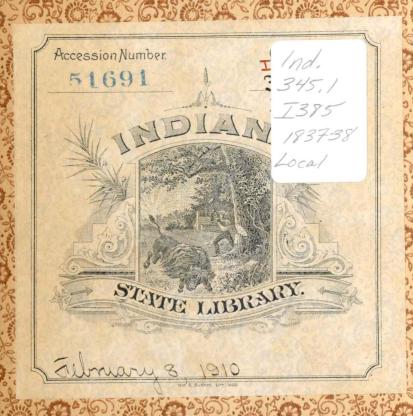
# LAWS OF INDIANA Local Laws Twenty Second Session 1837-38



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LOCAL LAWS,

of

INDIANA,

FOR

1838.

# LAWS

OF A LOCAL NATURE,

PASSED AND PUBLISHED AT THE TWENTY-SECOND SESSION OF THE

# GENERAL ASSEMBLY OF THE STATE OF INDIANA,

Held at Indianapolis on the first Monday in December, 1837.

BY AUTHORITY.

INDIANAPOLIS:

DOUGLASS & NOEL, PRINTERS.

1838.

LOCAL LAWS.

#### CHAPTER I.

AN ACT making general appropriations for the year eighteen hundred and thirty-eight.

[APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That there be appropriated for the expenses of the General Assembly, including the pay of members, secretaries, clerks, sergeants-at-arms, door-keepers, fuel, binding, and distributing the laws and journals; together with all other expenses incident to the present session, the sum of fifty thousand dollars;—printing and stationary, binding and distributing the laws and journals, seventeen thousand dollars; specific appropriations, six thousand five hundred dollars; judiciary, including prosecutors, fourteen thousand dollars; probate judges, three thousand and five hundred dollars; executive officers, three thousand and two hundred dollars; contingent expenses, one thousand dollars; state library, four hundred dollars; state prison, one thousand dollars; for the state house, two thousand seven hundred dollars.

#### CHAPTER II.

AN ACT making specific appropriations for the year eighteen hundred and thirty-eight.

# [APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the principal and assistant secretary of the Senate, and the principal and assistant clerk of the House of Representatives shall severally be allowed four dollars and fifty cents per day, and the enrolling secretary of the Senate, and the enrolling clerk of the House of Representatives four dollars per day for each and every day they may have

\*3 45.1 I 385 1011 rodinas Control of 1838 Loc served as such during the session; and the sergeant-at-arms of the Senate, and the sergeant-at-arms of the House of Representatives each the sum of three dollars and fifty cents per day for each and every day they may have served as such during the present session; the door-keeper of the Senate and the door-keeper of the House of Representatives, each three dollars and fifty cents per day for each and every day they may have served as such during the present session; that the assistant enrolling clerks of the Senate and House of Representatives be severally allowed the sum of three dollar per day for each day they may have been engaged, to be paid upon the certificate of the clerk employing them and countersigned by the president of the Senate and speaker of the House of Representatives.

SEC. 2. That John Cain, postmaster at Indianapolis, be allowed ten dollars and sixty cents for postage on sundry documents for the

use of the state.

Sec. 3. That William Sullivan be allowed the sum of ten dollars for four maps furnished by order of the House of Representatives.

SEC. 4. That the assistant door-keepers of the Senate and House of Representatives be allowed the sum of two dollars per day for their services.

SEC. 5. That S. B. Woolman be allowed the sum of thirty-three dollars for services rendered by him as deputy sergeant at-arms in travelling to Lawrenceburgh for the purpose of summoning witnesses to give evidence before the bank investigating committee.

SEC. 6. That T. J. Evans, speaker of the House of Representatives, be allowed the sum of seven dollars for postage, paid by him for pub-

lic documents during the present session.

SEC. 7. That Joseph Levy be allowed the sum of twenty-eight dollars and fifty cents for seven day's services rendered by him as deputy sergeant-at-arms, in travelling to Lafayette to summon witnesses to appear before the investigating bank committee.

SEC. 8. That the secretary of state be allowed five hundred dollars for services imposed upon him by the present General Assembly, in collecting the laws and in copying the revised code and special acts for the printers, and in superintending the printing and correcting the proof sheets, and making an index and marginal notes to the same.

SEC. 9. That E. B. Lucas be allowed the sum of twenty dollars and twenty cents for money by him improperly paid to the treasurer of

state, in the year 1835, for state revenue of Warren county.

SEC. 10. That there be allowed to James Fisler for six days services preparing the Senate chamber and hall of the House of Representatives for the meeting of the present legislature, twenty dollars, and for paper bag fifty cents, making twenty dollars and fifty cents. To Sampson Leatherman, a man of color, thirty dollars, for keeping during the session the necessary buildings for the State House.

SEC. 11. That it shall be the duty of the treasurer of state to settle, liquidate, and pay, (after proper examination and scrutiny) all claims for incidental expenses of the public officers, and of each session of the General Assembly, taking proper vouchers for the same and keep an accurate and careful account of the same, which said treasurer shall submit to the committee of ways and means of the next succeeding session of the General Assembly for adjustment and allowance.

SEC. 12. That Andrew Wilson of Orange county, be, and he is hereby allowed the sum of twenty dollars and fifty cents extra services by him rendered as commissioner of the saline lands in Orange

county.

SEC. 13. That Nathan B. Palmer be allowed the sum of one hundred dollars for travelling twice to Lawrenceburgh, twice to Madison. and once to Louisville, after the surplus revenue. That the collector of the state revenue for Posey county, be allowed three dollars and twelve cents for the amount of delinquent list of lands returned to the school commissioner of said county for the year 1836.

SEC. 14. That the Governor be, and he is hereby allowed the sum of five hundred dollars for House rent for the year A. D. 1838.

SEC. 15. And that the sum of two hundred dollars is hereby appropriated, to be audited by the auditor and paid by the treasurer, to Lanier and Stapp, being the balance due as attorney's fees for attending and carrying to final judgment in the Dearborn circuit court the case of Miller and others vs. the Salt Lick deed in behalf of the state of Indiana.

SEC. 16. That Milton McPhetridge, commissioner of the Saline lands in Monroe county be allowed the sum of fifteen dollars, as such

commissioner for the year 1837, out of the Saline funds.

SEC. 17. That John S. Barnes be allowed the sum of sixty dollars for extra labor and improvements made by him on the Saline lands in Monroe county, which were not required by his contract, and that the same be allowed and paid him out of the funds arising from the sale of said lands, and that the auditor of state audit the said claim, and that the treasurer of state pay the same.

SEC. 18. That the auditor of public accounts be directed to audit in favor of the treasurer of state the sum of twenty-seven hundred and eighty-six dollars and forty-three cents for moneys paid and expended by him on account of the State House for the year 1837, on his filing the vouchers numbered from 1 to 58, as certified by the chairman of the committee on public buildings of the two houses of the General Assembly out of the Indianapolis fund.

#### CHAPTER III.

AN ACT granting to the citizens of Madison and the town of Lawrenceburgh a city charter.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That from and after the first Monday in April, 1837, the limits of the town of Madison shall extend to and embrace the following territory, to-wit: Beginning on the Ohio river at low water mark, in fractional section one, in township three, north of range ten east, at a point where the east line of Benjamin Brushfield's field or lot would touch said river; thence north with said Brushfield's east line across the Lawrenceburgh road to the foot of the hill; thence westerly along the foot of said hill to the section line dividing fractional sections one and two, in the township and range aforesad; thence north with said sectional line to the north east corner of the south east quarter of section thirty-five, in township four, north of the range aforesaid; thence east with the open line to the centre of section thirty-four, in township four, north of range ten east aforesaid; thence south with the open line to the Ohio river at low water mark; thence east with the meanders of said river at low water mark, to the place of beginning.

SEC. 2. From and after the first Monday of April 1837, the inhabitants in said territory shall be and become a body politic and corporate, by the name, style and title of the City of Madison; and in such corporate name shall be able and capable in law and equity to contract and be contracted with, sue and be sued, complain and defend in any court of competent jurisdiction; they shall have power to make. have and use a common seal, and the same to break, alter and renew at pleasure; to take, hold, purchase and convey such real and personal estate as the purposes of said corporation may require; to survey, mark and establish the boundaries of said city in accordance with the limits above prescribed; to ordain and establish and put in execution such rules, by-laws, ordinances and regulations as shall be deemed proper and necessary for the good government of said city; and generally to do all other acts and things which the general good may require, consistent with the objects of the incorporation, and not inconsistent with the constitution and laws of this state or of the United States.

SEC. 3. The powers of said corporation shall be vested in and be exercised by a mayor and councilmen, to be elected by the qualified voters of said city, and such other and inferior officers to be appointed by the common council as are hereinafter named or as may from time to time be created by said common council.

SEC. 4. The territory in said city shall be divided into wards; each ward shall be represented by one councilman who shall reside therein, and shall be elected by the qualified voters of such ward.

SEC. 5. The mayor shall be elected by the qualified voters of the whole city and shall hold his office for the term of three years from the date of his election (except in cases to fill vacancies) and until a successor is elected and qualified; and a councilman (excepting as aforesaid) shall hold his office for the term of one year and until his successor is elected and qualified. No person shall be eligible to the office of either mayor or councilman who is not a freeholder of said city.

Sec. 6. Elections shall be by ballot and shall be held (except in cases to fill vacancies) on the first Monday in April annually. A poll shall be open in each ward for the reception of votes; and every free white male citizen of the age of twenty-one years, who has resided in the state one year and within the limits of said city twelve months next preceding such election shall be entitled to a vote in the ward in

which he may reside.

SEC. 7. Each qualified voter shall be entitled to vote once and no more, and in his own ward and not elsewhere; and if any person being under the age of twenty-one years shall attempt to vote, or if any person shall attempt to vote more than once, or shall knowingly vote out of his own ward, or shall designedly hand in two or more tickets folded together, such person so offending shall on conviction thereof, forfeit and pay any sum not exceeding fifty dollars, to be recovered by action of debt in the name and for the benefit of the said City of Madison before any court of competent jurisdiction, and shall moreover be rendered incapable of voting at any city election for the next three years.

Sec. 8. The poll for all elections shall be opened at 10 o'clock, A. M. and continued open until 4 o'clock, P. M. (as near as may be)

of same day and no longer.

SEC. 9. Every ticket handed in shall contain the name of every candidate intended to be voted for either in writing or print, designating the office to which he wishes each to be elected; and if more persons are designated to any office than there are candidates to be elected, such part of the ticket shall not be counted to either of them, but no ticket shall be lost for want of form if the judges of the election (hereinafter named) can determine to their satisfaction the person voted for and the office intended.

SEC. 10. It shall be the duty of the common council to designate some particular place in each ward for holding the elections, which place may be changed from time to time as the common council may think proper. It shall further be the duty of said common council annually to appoint for each ward in said city from among the qualified voters thereof, an inspector of elections (who shall hold his office until a successor is appointed), whose duty it shall be, on the first Monday of April annually or at any other time when an election is to be held, to attend at the place of holding elections in his ward and take to himself previous to the hour of opening the polls, two qualified voters of his ward, who, together with himself shall constitute the judges of election for such ward; which judges shall appoint two suitable persons clerks of said election; and said inspector, judges and clerks shall be-

fore entering on their duties, take an oath, which may be administered by the inspector to the judges and clerks, and by one of the judges to the inspector, faithfully and impartially to discharge the duties assigned them.

SEC. 11. Should the regular inspector of any ward fail to attend at the place designated, by 10 o'clock, A. M. of any day on which an election is to be held, then and after that time, it shall be lawful for the qualified voters of such ward present, to appoint viva voce and by a plurality of voices an inspector for the occasion, who shall be govern-

ed in all things by the same rules as the regular inspector.

SEC. 12. It shall be the duty of inspectors of elections before opening an election, to make or cause to be made out, a suitable poll book and tally papers, and before receiving any votes, to proclaim or cause to be proclaimed aloud that the election is opened. Every election shall be held at the particular place in each ward designated by the common council. The election being opened, the judges shall proceed to receive the votes, and when a vote is presented the inspector shall call out the name of the voter and if there be no objections and he be a qualified voter, the inspector shall receive his ticket and in the presence of the other judges, put it into a box to be provided for that purpose; and the clerks of said election shall record the same on their separate list or poll book, numbering every name taken down, so that it may at any time be seen whether their lists agree.

Sec. 13. If any inspector, judge or clerk shall attempt to pry into or find out the name or names of any person or persons on any ticket at the time the same is handed in, or expose any such vote, he or they so offending, shall forfeit and pay the sum of one hundred dollars, to be recovered by action of debt in the name and for the use of said city of

Madison.

Sec. 14. If any doubt shall arise as to the right of any person to vote, it shall be settled by the judges; and for the purpose of enabling them to decide, it shall be lawful for the inspector to require any person offering to vote to take the following oath, (which oath said inspector is hereby authorized to administer), viz: "You do solemnly swear (or affirm) that you are, to the best of your knowledge, information and belief, of the age of twenty-one years, that you have resided in this state and city one year next preceding this time and that you have not voted at this election;" and any person taking the aforesaid oath, who shall swear falsely shall be deemed guilty of perjury, and on conviction thereof shall suffer the pains and penalties thereto attached.

SEC. 15. At 4 o'clock, P. M. (as near as may be), the polls shall be closed and the judges shall proceed to open the boxes and to canvass and estimate the votes given at such election. The canvass shall be public and shall commence by a comparison of the poll lists and a correction of any mistakes that may be found therein until they shall be made to agree. The tickets shall then be counted unopened except so far as to ascertain that each ballot is single, and if two or more tickets shall be found folded together or so folded as to present the appearance of a single ticket, they shall be rejected and destroyed. If

the tickets shall be found to exceed in number the whole number of votes on the poll lists, they shall be replaced in the box and one of the judges shall publicly draw out and destroy so many tickets unopened as shall be equal to such excess. The ballots and poll books being found or made to agree, the judges shall proceed to canvass and estimate the votes: when the tickets shall be taken out carefully, one by one by the inspector, who shall open them and read aloud the name of each person written or printed thereon, and the office for which such person is voted for, and shall then hand it to one of the judges, who shall string it on a thread prepared for that purpose. As the inspector shall read aloud the tickets, each clerk shall carefully mark down on the tally papers the votes each individual shall receive, and the office he is voted to fill.

SEC. 16. As soon as all the votes are read off and counted, the judges shall proceed to ascertain who among the persons voted for for councilman has received the highest number of votes, and having ascertained, shall declare such person duly elected councilman for that ward, and shall make out and deliver to him a certificate under their hands to that effect. But should two or more persons have received an equal and the highest number of votes, then the judges shall determine by lot who of such persons shall be the councilman; and having so determined, shall give a certificate under their hands as aforesaid.

SEC. 17. In cases of election for mayor, the said judges shall also make out a certificate under their hands of the number of votes each person or candidate has received for that office, which number shall be written at full length, which certificate shall be placed in the hands of the inspector or one of the judges of said election; and on the Wednesday succeeding such election between the hours of 10 o'clock, A. M. and 3 o'clock, P. M. said inspectors or judges from each ward holding such certificates shall convene at the court house in Madison, (or if any other place be designated by order or ordinance of the common council, then at such place so designated), and compare their different certificates; and ascertain who has the highest aggregate vote for mayor; and the person having the highest number of votes shall be declared to be duly elected mayor, and the said judges shall give him a certificate to that effect. But should two or more persons be found to have an equal and highest number of votes, it shall be the duty of said inspectors and judges thus convened, to determine by lot who of such persons shall be the mayor; and having so ascertained, shall make out and deliver to him under their hands, a certificate to that effect as

SEC. 18. It shall be the duty of the judges of every election to complete the canvass of votes and to make out the certificates hereinbefore required, by 4 o'clock, P. M. of the day succeeding that on which the election is held, and the certificate of the election of councilman shall be delivered to him or left at his usual place of residence within three days thereafter. Within the same period it shall be the duty of the inspector, to leave with the clerk of the common council, to be by him filed and preserved, one of the poll books and tally papers. The

other poll book and tally paper with the tickets shall be kept and preserved by the inspector for the time of three months for the inspection of any of the voters of said city who may wish to examine the same.

SEC. 19. No qualified voter shall be arrested on any civil process within said city on the day on which an election may be held in his ward.

SEC. 20. If any person shall use any threats, force or violence, or attempt to awe any voter so as to restrain him in his freedom of choice, or offer any fee or reward in meat, drink or otherwise, in order to persuade or induce any elector to vote contrary to his own mind, or shall on the day of election, give any public treat or direct any person to do it on his behalf, with the view to obtain any vote or votes for himself or any other candidate, every person so offending shall forfeit and pay any sum not less than fifty nor more than one hundred dollars, to be recovered in the name and for the use of said city, before any court of competent jurisdiction.

Sec. 21. If any inspector, judge or clerk of any election, having taken upon himself the performance of the duties herein required, shall neglect or refuse to discharge the same, or shall be guilty of any fraud or corruption in doing such duties, he shall forfeit and pay any sum not exceeding one hundred dollars for every such wrongful act of commission or omission, to be recovered in the name and for the use

of said city before any court of competent jurisdiction.

SEC. 22. The common council shall cause a sufficient number of ballot boxes to be provided, which shall be deposited with the clerk of said council, to be by him delivered over to the respective inspectors when an election is about to take place, who shall after an election is concluded, return the same to the clerk, at the same time that he delivers the poll book and tally paper.

SEC. 23. Every mayor and councilman shall before entering on the discharge of their respective duties, take an oath before some competent authority, faithfully and impartially to do his duties; which oath

shall be certified on the certificate of his election.

SEC. 24. The mayor and councilmen elected and qualified as aforesaid, shall constitute the common council of the city, but a majority of the councilmen shall at all times be necessary to constitute a quorum for the transaction of business. They shall be judges of the election returns and qualifications of their own members, shall determine the rules of their proceedings and keep a record thereof, which shall be open to the inspection and examination of every citizen, and may compell the attendance of absent members in such manner and under such penalties as they shall think fit to prescribe. The mayor when present shall preside at all meetings of the common council, and in case of a tie on any question or proposition shall give the casting vote; except that in the making of laws and ordinances he shall have no vote. In the absence of the mayor, the common council shall elect one of their own body to preside for the time being, who as president, shall possess the same power with the mayor, while acting in that ca-

pacity and the additional power of giving the casting vote on all questions whatever.

SEC. 25. It shall be lawful for the mayor and councilmen respectively and individually at any time after being elected and qualified as aforesaid, to enter on their respective duties: Provided however, that if the mayor or any councilman shall neglect for the space of thirty days from the time of his election, to qualify and enter on the duties of his office, such neglect shall be deemed and taken to be a refusal to

qualify and a renunciation of said office.

SEC. 26. The common council shall annually meet on the second Monday of March and at such other times as they by resolution shall direct, or as the mayor or in his absence, a majority of the common council shall appoint; and in all cases of called meetings, notice thereof shall be given to each councilman in writing, either personally served or left at his usual place of residence. If a quorum do not attend at a time and place appointed for any meeting, it shall be lawful for the clerk to adjourn such meeting to some future day; and to make such adjournments from time to time as often as it may be necessary, until a quorum shall attend.

The common council shall keep a full and fair record of all their acts, doings and proceedings; and for this purpose they shall appoint a clerk, (who shall take an oath of office) whose duty it shall be to attend all meetings of said council and make up and keep such record; and the minutes of the proceedings of each meeting being recorded, shall be read over by the clerk, and if incorrect in any particular shall be rectified, and when correct or corrected shall be signed by the mayor or other presiding officer of the meeting and attested by the clerk; and at no future day after being so signed and attested shall said

records in any way be altered or amended.

SEC. 27. It shall further be the duty of the clerk to keep and preserve the records and all other papers belonging to said city, and to hand them over entire with all other matters pertaining to his office, to his successor whenever one shall be appointed, and do and perform such other duties as may be enjoined upon him. And transcripts from the records of the proceedings of the common council, certified by the clerks under the coporate seal shall be evidence in all courts in like manner as if the original were produced. In the absence of the regular clerk it shall be lawful for any councilman to act as clerk protempore.

SEC. 28. It shall be the duty of the mayor and each councilman to present to the clerk at the first meeting of the common council they may attend after their election their certificate of election, which with the endorsement of qualification thereon, shall be spread out at full

length on the records.

SEC. 29. In case of the death, removal, resignation or refusal to qualify of any person elected to the office of mayor or councilman, the vacancy so occasioned shall be filled by a special election, the day of holding which shall be designated and appointed by the common coun-

cil and shall be conducted in all respects in the same manner as annual elections.

SEC. 30. The common council shall have the management and control of the finances and of all the property real and personal belonging to said corporation and shall have power for and within the city, to make, establish, publish, alter, modify, amend and repeal ordinances, rules, regulations and by-laws for the following purposes and on the following subjects, to wit:

1st. To restrain and prohibit all descriptions of gaming and every

kind of fraudulent devise and practice in said city.

2d. To restrain and prohibit the selling or bartering of any spirituous liquors or ardent spirit to be drunk in the shop, store, grocery, outhouse, yard, or garden, of the person selling the same, unless licensed

so to do by the city authority.

3d. To restrain and prohibit the selling, bartering, or giving away of any ardent spirits or intoxicating liquors, to any person already drunk, or who may be known to be in the habits of intoxication, or to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress.

4th. To prohibit all exhibitions of natural or artificial curiosities, and all shows, exhibitions and amusements whatsoever, which in the opinion of said corporation are demoralizing to society, or calculated to

detract from the peace and good order of said city.

5th. To prevent riot, noise, disturbance and disorderly assemblies.

6th. To suppress and restrain disorderly houses and groceries, houses of ill fame, billiard tables, nine or ten pin alleys or tables, and ball alleys, and to authorize the demolition and destruction of all instru-

ments of gaming.

7th. To compel the owner or occupant of any piece of ground, grocery, cellar, tallow chandlers, soap, factory, tannery, stable, barn, privy, sewer, or other house or place, to cleanse the same from time to time, as often as it may be deemed necessary for the health, comfort, and convenience of said city, and to remove or abate, or otherwise destroy the cause which renders such house or place unhealthy or uncomfortable.

8th. To direct the location of all powder houses, slaughter houses, tallow chandlers' shops, soap factories, and other houses that may be an annovance to the health or comfort of said city; and if thought necessary, to prohibit the erection or continuance altogether of such establishments within the limits of said city.

9th. To regulate the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and

lights in barns and stables.

10th. To prevent horse-racing and immoderate riding or driving in

the streets.

11th. To prevent the incumbering of the streets, side-walks, lanes, alleys, or wharves, with carriages, carts, boxes, lumber, timber, firewood, or any other substance or material whatsoever.

12th. To regulate and determine the times and place of bathing and swimming in the Ohio river or in Crooked creek.

13th. To restrain and punish vagrants, mendicants, street beggars.

and common prostitutes.

14th. To restrain and regulate the running at large of cattle, horses, swine, sheep, goats, geese, or other animals, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and costs of proceeding.

15th. To prevent and regulate the running at large of dogs and to authorize the destruction of the same, when at large contrary to ordi-

nances.

16th. To prohibit any person from bringing or depositing, or having within the limits of said city any dead carcass or other unwholesome substance; and to require the removal or destruction by any person who shall have the same upon or near his premises by his own act or consent, of any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind, or other unsound or unwholesome substance whatsoever; and on the default of such person, to authorize the removal or destruction thereof by the proper officer of said city.

17th. To prohibit the rolling of hoops, playing at ball or long bullets, using firecrackers or flying kites, or any other instrument or practice having a tendency to annoy or endanger persons passing the streets.

or to frighten teams or horses within said city.

18th. To compel all persons to keep the snow, ice, and dirt from the side-walks, and to cleanse and keep clean the gutter and street in front of the premises by them owned or occupied.

19th. To prevent the disorderly ringing of bells, blowing of horns and bugles, and crying of goods or other things within the limits of said

city, to the disturbance of the citizens.

20th. To abate and remove nuisances; to declare what shall be deemed nuisances within said city, and abate the same, or punish by suitable penalties the person or persons causing or continuing the same, or both abate and punish at discretion.

21st. To regulate and restrain runners and carriers for boats and

stages.

22d. To license and regulate carts, wagons, drays and carriages. which may be kept in said city for hire.

23d. To survey, mark, and establish the boundaries of said city. 24th. To regulate the burial of the dead, purchase and provide common burying grounds, hearses, and other things necessary to burial: and appoint one or more sextons, and prescribe his duties.

25th. To direct the keeping and returning af bills of mortality, and to impose penalties on physicians, sextons and others, for any default

in the premises.

26th. To regulate guaging, the place and manner of selling and weighing hay-of selling and measuring wood, lime and coal, and to appoint suitable persons to superintend and conduct the same.

27th. To regulate the quality of bread, and to provide for the seizure

and forfeiture of bread baked contrary thereto.

29th. To provide for the watering of said city. 30th. To establish and regulate public pounds.

31st. To prevent the firing of guns and pistols and all other firearms or fireworks within said city.

32d. To prevent the erection of wooden buildings in such parts of

said city as they may think proper.

33d. To erect market houses, a hospital, a council house and a city jail and to regulate and govern the same, and to erect houses for common schools.

34th. To prevent and restrain forestalling and regrating.

35th. To guard against damage by fire: to organize fire companies, and regulate and govern the same, and regulate the duty and conduct of the citizens in relation thereto.

36th. To regulate the general police of said city.

37th. To compel the attendance of its members; to appoint all officers and agents they may deem necessary to carry into full effect the powers hereby conferred, prescribe their powers and duties, and require them or any of them to give security for the faithful discharge of their duties, and all officers and agents appointed by the common council shall hold their offices during the pleasure of said council.

38th. To regulate and establish the salary, pay and fees of the

various officers and agents by them employed.

39th. To regulate the streets and alleys in said city, and all improvements of the same, grading, paving, or otherwise, and the exclusive power of appointing overseers of the highways within said city, and collecting in money or laber any sum not exceeding one dollar annually as a road tax from each and every person liable by law to pay such tax or to labor on the highways, as also the road tax which may be due on lots and lands in the vicinity of said city by any law which now is or hereafter may be in force in this state.

40th. To take stock in any chartered company for making roads to said city, or for watering the city. Provided, that no such stock shall be subscribed on the part of said city, unless it be on petition of two thirds of the citizens of said city, who are freeholders of the same, distinctly setting forth the company in which said stock is to be taken, and the amount to be taken, and the number of shares to be subscribed And provided, also, that in all cases where such stock is taken, the common council shall have power to borrow money and levy a tax on the lots and lands within said city (either inclusive or exclusive of improvements at their discretion) for the payment of said stock.

To diminish or increase or at any time otherwise alter the number or limits of the wards of said city, but no such change in the wards of said city shall in the least affect the present council or vacate the seat of any councilman for his present term, or authorize the election of a councilman for any new made ward until the next annual election.

41st. To borrow money for the use of said corporation.

42d. To lay out, open and make new streets, alleys, highways and wharves, and the same again discontinue, and to contract, widen, alter

or discontinue any street, alley, or wharf, now made or hereafter to be made in said city subject to the rules and regulations hereinafter contained.

43d. To regulate auctions of horses and other domestic animals in

the streets, and appoint and license auctioneers.

44th. To regulate the wharves on the Ohio river, both public and private, and the amount of wharfage.

45th. To levy and collect a revenue for the use of said city, in

manner hereinafter prescribed.

46th. To prevent injuries to the inhabitants of said city from thieves, robbers, burglars, and all other persons violating the public

peace.

47th. To establish a board of health for said city, to invest it with such powers and impose upon it such duties as shall be necessary to secure said city and the inhabitants thereof from the evils, distress and calamities of contagious, malignant or infectious diseases, provide for its proper organization and the election or appointments of the necessary officers thereof, and make such by laws, rules and regulations for its government and support as shall be required for the prompt performance of its duties and the lawful exercise of its powers.

48th. To establish a city watch, define its duties and prescribe its

powers.

49th. To regulate all taverns, ale and porter shops and houses and all other places where spirituous liquors are sold by a less quantity than a quart, and all other houses of public entertainment within said city, all theatrical exhibitions and public shows, and all exhibitions of whatever name or nature to which admission is obtained on the payment of money or any other reward, and all ferries across the Ohio

river from said city to the opposite shore.

50th. And the said common council shall have power concurrent with the board doing county business in the county of Jefferson to grant licenses to tavern keepers, innkeepers, relatilers of spirituous liquors by a less quantity than a quart, keepers of ale and porter houses and shops, and all other houses of public entertainment, showmen, and keepers and managers of theatrical exhibitions and all other exhibitions for money or other reward, auctioneers for the sale of horses at public auction in the streets, and keepers of ferries from said city across the Ohio river to the opposite shore; and in granting such license it shall be lawful for said corporation to charge such sum or sums of money as they may think fit and reasonable, and to annex such terms and conditions as to time and place and other circumstances as in their opinion the peace and good order of said city may require, and for any violation of such reasonable terms and conditions the mayor shall have power to make or suspend such license in such manner as shall be provided for by ordinance.

51st. To regulate the construction of chimneys, fire-places,

hearths, and stove-pipes, so as to prevent damage from fire.

SEC. 31. Obedience to, and observance of all rules, ordinances, by-laws, and police regulations made in pursuanc of this act shall be

enforced (except where herein otherwise provided) by imposing suitable penalties on the person or persons violating the same, to be recovered with costs in an action of debt or on the case in any court of com-

petent jurisdiction.

SEC. 32. Every ordinance, by-law, or other police regulation affecting the whole city, relating to the conduct of the citizens generally, and imposing any penalty or forfeiture for a violation of its provisions, shall after the passage thereof be published at least once in some newspaper printed and published in said city; and the affidavit of the printer or publisher of such newspaper to the fact of such publication taken before any officer authorized to administer oaths and filed with the clerk of said corporation shall be sufficient evidence in all courts and places of the publication and promulgation of such ordinance.

SEC. 33. All actions brought to recover any penalty or forfeiture incurred under this act or the ordinances, by-laws, or other police regulations made in pursuance of it shall be brought in the corporate name of said city; and all penalties and forfeitures when collected shall be paid into the treasury of said city. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture shall be de-

frayed by said city.

The first process in such action shall be by warrant or capias, and in case of conviction, judgment may be entered that the person stand committed until the fine or penalty, and costs be paid or replevied, or judgment may be entered and execution enforced as in ordinary cases

of debt or case.

SEC. 34. No person shall be an incompetent judge, witness, or juror, by reason of being an inhabitant, citizen or freeholder of said city in any action or proceeding in which said city is a party or interested.

SEC. 35. For the purposes of revenue the common council shall levy and collect a tax or all real property within said city not exceeding one half per cent. on its valuation, inclusive or exclusive of improvements as they may judge best: they may also in their discretion levy and collect a specific tax on articles of personal property and on dogs, and a poll tax not exceeding fifty cents on every male inhabitant of said city over the age of twenty-one years. And a portion of said revenue and all or any part of the penalties collected under the authority of this act and the by-laws made in pursuance thereof may at the discrection of the common council be appropriated for the support of common schools in said city.

SEC. 36. After the second Monday in April and before the first Monday in May in each year, it shall be the duty of the common council to appoint an assessor who shall take an oath well, truly, and faithfully to discharge the duties required of him, and shall further give security for the faithful discharge of his duties. Before the appointment of the assessor it shall be the duty of the common council to fix and determine whether real estate shall be taxed including or excluding the improvements, and what rate of tax shall be levied thereon; also, whether any, and if any, what amount of tax shall be levied on any specific article or articles of personal property or on dogs, and whether any, and if any, what poll-tax shall be levied.

SEC. 37. It shall be the duty of the assessor to proceed forthwith to make out a full and fair list of all such persons and property as he may be directed to assess—the same to be made out as far as practicable, in alphabetical order—setting opposite to each man's name, the lot or lots, fractional lots, piece, parcel or tract of ground, (particularly described) by him or them owned or claimed, and the value thereof (either inclusive or exclusive of improvements, as may be directed) also the polls and the nature and number of the specific articles required to be listed; and shall calculate and carry out the amount of tax chargable according to the rate established, against any lot or piece of ground, and against any person or personal property: Provided, That if there be any real estate of which said assessor can find no owner or claimant, it shall be his duty to assess the same by its number or description, stating that the owner is unknown.

Sec. 38. It shall be the duty of said assessor to complete said assessment and to return the same so completed, to the common council, or the clerk of said corporation, by the first Monday of July succeed-

ing his appointment.

SEC. 39. In case of the death or inability from other cause of said assessor to make or complete said assessment, it shall be lawful for said common council to appoint another person in his place, to make or perfect the same, who shall take oath and give security as herein before provided.

SEC. 40. Instead of having but one assessor, it shall be lawful for said common council at their discretion, to divide said city into districts, and to appoint an assessor for each district in the first instance, and the assessors so appointed shall be governed in all things by the same

rules as hereinbefore laid down.

SEC. 41. After the return of said assessments and before the first Monday of August annually, it shall be the duty of the common council to cause their clerk to make out a full, fair, and complete copy and transcript of the persons and property named in said assessment, with the amount of taxes charged against each, in all cases, setting opposite to each lot or fraction of lot, piece, parcel, or tract of ground, the particular tax assessed thereon, to which list the said clerk shall attach a certificate under his hand, setting forth what property for that year was to be taxed under the order of the common council, and at what rate; to all which shall be added by the mayor, or a precept under the seal of the corporation directed to the collector of said city, and commanding him that of the goods and chattels of all and every person and persons named in said tax list, he cause to be made by distress and sale the amount of tax charged against him, her, or them, the amount for or on account of a poll or personal property: and that of the particular lot or tract of land in said list named, he make the tax charged thereon by levy and sale, or by sale of so much of said lot or tract of land as may be necessary to pay said taxes and the cost and charges of such sale, and make return of his doings by the first Monday of November following.

SEC. 42. Should any person feel aggrieved by the valuation pla-

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ced on his lot or land by the assessor, he may apply to the common council for redress at any time, and if said common council should think said valuation too high in proportion to the valuation of other property, or if said property shall not be correctly listed, or any mistake made in the assessment, the same shall be corrected by the common council, and right and justice done.

Sec. 43. All taxes upon real estate shall from the time the tax list is made out and completed, be a lien thereon to the same extent with the judgment of a court of record, and shall have a preference of all private charges, and all taxes on personal estate shall have preference of

all other private demands.

Sec. 44. Between the second Monday of April and first Monday of August annually, it shall be the duty of the common council to appoint some suitable person collector of the revenue of said city, who shall before the tax list is delivered him, take an oath before some competent authority well and truly to perform the duties of his office, and shall also enter into bond with security, to be approved by the common council in the penal sum of at least eight thousand dollars (which penalty may at any time be increased to double the estimated amount of the revenue at the discretion of said common council) conditioned for the faithful performance of the duties of his office; and such collector may appoint as many deputies as he may think proper, being at all times responsible for their acts.

SEC. 45. In case of the death, resignation, or inability from other cause, of the regular collector to complete the collection of the revenue to him intrusted it shall be the duty of the common council to supply such vacancy by the appointment of some other fit person in his place, who shall be governed in all respects by the same rules hereinbefore laid down, and shall take the tax list and complete the collection of

the revenue.

Sec. 46. By the first Monday of August annually, said tax list shall be completed as aforesaid, and placed in the hands of the collector, whose duty it shall be to proceed forthwith to the collection of the tax-

es in said list contained.

Sec. 48. The collector shall not be required in any instance to make a demand of the taxes from the person charged therewith, but may in his discretion do so, and if any person charged with a poll tax, or taxes on personal property, shall fail when called on for his taxes by said collector or deputies to pay the same, it shall be lawful for said collector to make the amount by seizure and sale of the goods and chattels of such defaulter.

Sec. 49. After the first Monday of September annually, and before the first Monday of November succeeding it shall be the duty of the collector to make the taxes assessed on real estate, either by seizure and sale of the goods and chattels of any person owing the same or by a sale of the lot or piece of ground itself on which the taxes are remaining unpaid, or of so much thereof as may be necessary to pay the taxes and expenses of sale, giving six days notice of the time and place of sale of goods and chattels, by written notice stuck up in three of the

most public places in said city, or by advertisement in a newspaper; and giving three weeks notice of the time and place of sale of lots and lands by advertisement in some newspaper printed in said city: Provided, that nothing herein contained shall be so construed as to operate in such manner as to interfere with the lien which the state or said county of Jefferson may at any time have upon any goods and chattels of any person in said city, for the non-payment of taxes due said state or county.

SEC. 50. In selling lots and lands the collector shall sell the least possible quantity that any bidder will take and pay the amount of taxes due and chargeable thereon and costs; and when any bidder shall offer to take less than the entire lot or tract, it shall be the duty of the collector at such sale to designate and declare in what manner the division shall be made, and having made a sale to any person of any lot or tract of land or part thereof, it shall be the duty of the collector to make, seal and acknowledge before some competent authority a certi-

ficate for the same to such purchaser.

SEC. 51. It shall be the duty of the collector immediately after the sale of any lot or lots or lands, to make return of the same to the treasurer of said corporation (hereinafter named) distinctly stating the lot or tract sold, the name of the purchaser, the day of sale and the amount of taxes and costs, and any owner or claimant of any lot or tract so sold as aforesiad, their agent or attorney may redeem said lot or tract at any time within two years from the day of said sale by paying and depositing with the treasurer aforesaid for the use of the purchaser the taxes and costs so paid as aforesaid, together with interest thereon at and after the rate of one hundred per centum per annum from the day of such sale to the day of making such redemption.

Sec. 52. After the expiration of two years from and after such sale, it shall be the duty of said treasurer on the application of any person or his heirs holding a certificate of any lot or tract of land unredeemed to endorse on the back thereof his certificate of the fact that the lot or tract in said certificate specified has not been redeemed; which certificate of the treasurur shall be by him acknowledged before some competent officer; and such certificate of the collector made and acknowledged as aforesaid, and endorsed and acknowledged by the treasurer as aforesaid shall enure to vest in the purchaser, his heirs and assigns from the day of sale, an absolute and indefeasible estate in fee simple to the lot or lands therein described and shall be admitted to record in the same manner as deeds, and shall be conclusive evidence of the regularity of the sale, and shall not be annulled or set aside in any court whatsoever, except by proof of one or more of the following facts, viz: 1st, That said lot or fraction of lot, piece, parcel or tract of land in said certificate named was not liable to be taxed. 2d, That the taxes charged thereon were actually paid to the collector or his deputy before the sale or were tendered and refused. 3d, That the said premises were redeemed within two years from the day of sale by depositing with the treasurer for the use of the purchaser, his heirs,

executors or administrators, the taxes, costs and charges and per cen-

tage thereon.

Sec. 53. At any time before the sale of any goods and chattels, lots or lands, the owner or claimant may release the same by payment of the taxes due and costs so far as accrued, and whenever any balance from the sale of any goods and chattels over and above what is sufficient to pay the taxes and costs shall remain, it shall be the duty of the collector to pay the same over to the owner of such goods and chat-

tels on his demand.

SEC. 51. It shall be the duty of the collector on or by the first Monday of November in each year to pay over all moneys collected by him to the treasurer, and make a full and final settlement of his collectorship and a return of the tax list and precept to him with a full account of his doings in the premises; in which return shall be stated fully and distinctly the aggregate amount of taxes by him received and collected, and the amount remaining unpaid, with the names of the particular defaulters and the cause of failure to enforce payment from such delinquents as commanded in said precept, the truth of which return shall be verified by the affidavit of said collector; and to the tax list of any succeeding year, it shall be lawful to add any taxes remaining unpaid in any preceding year, which shall be collected in like manner as if assessed in such year.

SEC. 55. The collector shall be entitled to such allowance as shall be made him by the common council, for collecting without distress or sale, and one dollar on all sales of goods and chattels, together with charges for keeping property distrained, and fifty cents for each sale made of real estate and for giving certificate, and twenty-five cents for the acknowledgement of such certificate, to be added to and estimated in the sum for which such goods and chattels, lot or tract, or part

thereof is sold.

SEC. 56. It shall be the duty of the common council to appoint some discreet person treasurer of said city, whose duty it shall be to receive and disburse the moneys belonging to said city; keeping an accurate account of all receipts and expenditures, and perform such other services as the common council may direct. Before entering on the duties of his office, he shall take an oath before some competent authority, and shall give bond in the penalty of double the estimated annual revenues of said city, with security to be approved of by the common council, for the faithfully paying over and accounting for all moneys that come into his hands. All moneys raised, recovered or received or collected by means of any tax, license, fine, forfeiture or otherwise, or which may belong to said city, shall be paid into the city treasury, and shall not be drawn therefrom except by order or under the authority of the city council, to be signed by the mayor or other presiding officer, and attested by the clerk. It shall be the duty of the treasurer to receive the list and return made by the collector of lots and lands by him sold for taxes, as herein before provided, and preserve the same; and on the application of any owner or claimant of any lot or piece of land to redeem, to receive from him (and pay

over to purchasers on demand,) the tax, cost and per centage as herein before required, giving to such person a receipt for the amount so paid for, which service said treasurer shall be entitled to charge such

person a fee of twenty-five cents.

SEC. 57. Whenever the owners of lots on any street, or section of street, or alley, shall be desirous of making any improvement on the same by grading, graveling, paving, curbing, or guttering, or any other improvements, and five-eighths of the owners of lots on said street or section of street, by themselves or agent representing five eighths of the whole number of feet on each side of said street or section of street shall, by petition to the common council, represent plainly and distinctly the improvement wanted or contemplated to be made, it shall be the duty of the common council to cause the same to be done in the best and most economical manner, agreeably to the wishes of the petitioners, and the expenses thereof shall be assessed and levied on all the lots fronting on said street or section of street, equally per front foot for the distance such improvement may be made. It shall be the duty of the clerk to enter such petition on record, with the petitioners names, and the number of feet front owned or represented by each, so that it may at any time appear whether the requisite number of feet were subscribed. And the common council may, by general ordinance, provide for the collection of the expenses of all such improvements; and in case of non-payment, for the sale of the lot or fraction of lot on which such taxes remain unpaid, such sale to be conducted in the same manner as herein before provided for sales of lots and lands for the non-payment of taxes; Provided, however, That the common council shall have power, if they deem it more just and equitable, to assess the expenses of such improvements on the lots fronting on said street or alley, agreeably to the valuation thereof: And, provided also, That the common council may, when in their opinion the general good requires it, cause any such improvement to be made without petition, and assess the expenses either pro rata per square foot, or agreeably to the valuation, as aforesaid. But the concurrence of three-fourths of the members of the common council shall be necessary, to authorize an improvement without petition, or to authorize the levying of the expenses ad valorem.

SEC. 58. No street or alley, or public landing shall be discontinued without the consent of the owner of the adjoining property, to be given in writing, and spread upon the records of the corporation. Nor shall any new street, lane, or alley, or public landing, be made through private property, without first paying to the person or persons whose property shall be thus appropriated (if demand,) the full amount of the real injury sustained thereby, and for the purpose of enabling such person to make demand for the damages sustained, it shall be the duty of the common council to give six weeks public notice, by advertizing in some public newspaper printed in said city, of their intention to make and establish such new street, lane, or alley or public landing; and any person feeling aggrieved thereby, may at any time within said six weeks, apply to the common council for redress, by remonstrance

in writing, left with the clerk of said corporation. Whereupon the common council shall appoint two disinterested freeholders of said city. Said applicant for damages shall select two others, and these four choose a fifth, to be the appraisers of the damages such party may sustain, who, or a majority of them, under oath, shall proceed to view, and on actual view, to assess the injury sustained at its true value, and make return to the common council. And the damages so assessed, shall be paid out of the common treasury, before such street, alley, or public landing shall be established and opened. If the appraisers first above named, cannot agree to the choice of a fifth, it shall then be lawful for the common council to make the selection.

Sec. 59. All official bonds (the mayor's excepted,) taken under this act, or under any order of the common council, shall be made pay-

able to the city of Madison.

SEC. 60. Until a city jail shall be erected, said corporation shall be allowed the use of the county jail of Jefferson county; and the sheriff of said county shall receive and discharge such persons as may be committed in and from said jail in such manner as may be prescribed by the ordinances of said city or otherwise by due course of law.

SEC. 61. For all purposes whatsoever, the limits of the city south shall be co-extensive with the limits of the State, and the jurisdiction of said city over the Ohio river, shall be co-extensive with the juris-

diction of the State.

SEC. 62. It shall be the duty of the mayor to be vigilant and active at all times, in causing the laws and ordinances of said city to be kept in force and duly executed; to inspect the conduct of all subordinate officers, and as far as in his power to cause all negligence, carelessness and positive violation of duty to be prosecuted and promptly punished. He shall keep the public seal of said city, and sign all commissions, licenses and permits, which may be granted by or under the authority of the common council. He shall keep an office in some convenient place in said city, and shall have power to take and certify under the seal of said city the proof and acknowledgements of all deeds for the conveyance in any wise of real estate, or other instruments of writing, according to law and the usages in such cases; and all acknowledgements taken and certified by the mayor under the corporate seal, shall be good in every court and county in the State without further authentication. He shall perform such duties and exercise such powers, as from time to time may devolve upon him by the ordinances of said city, and generally do and perform all such other duties, and exercise such other powers as pertain to the office of mayor. He shall also be a judicial officer, and in his judicial capacity shall have exclusive original jurisdiction in all cases, for the violation of the ordinances of said city; and from any judgment rendered for the violation of any by-laws or ordinance, the defendant may appeal at any time within ten days thereafter to the circuit court, by giving bond to said city, with at least one sufficient security, acceptable to said mayor in a reasonable penalty conditioned for the payment of the debt, damages, or penalty and costs that shall be recovered against

him in said circuit court; which appeal when perfected, by giving bond as aforesaid, shall entitle party appealing, to the same rights and privileges, subject to the same conditions, restrictions and limitations as by law pertain to parties appealing from the judgment of justices of the peace to the circuit court. He shall, ex officio, be conservator of the public peace, and a justice of the peace; and within said city shall exercise civil and criminal jurisdiction in all cases, in the same manner, and to the same extent as justices of the peace in their respective townships; and from his judgments an appeal may be taken to the circuit court in like manner, and under like circumstances and conditions as from justices of the peace. He shall give bond payable to the State of Indiana in like manner as justices of the peace are, or at any time may be required to do, in the penal sum of five thousand dollars, and shall be entitled in all cases to the same fees for his services; and shall also receive an annual salary, to be paid out of the city treasury, to be allowed by the common council in the month of April every year for the year's salary succeeding the same, to be paid quarterly, as the services of said mayor may be rendered. He shall keep a docket like as justices of the peace are required to do, and in case of absence shall deposite such docket with some justice of the peace in said city, who during the absence of such mayor, shall be invested with all his judicial powers, and shall act upon his docket, and upon any new case that may arise under the ordinances of said city, as if he were the mayor; and in case of vacancy in the office of mayor by death, resignation, or from other cause, it shall be lawful for the common council to order the docket of said mayor to be placed in the hands of some justice of the peace in said county; and from the time said docket shall be so placed in the hands of such justice of the peace he shall be invested with all the judicial powers of the mayor and continue to serve as such, until such vacancy is supplied. All constables shall be misistereal officers of the mayors court, in like manner as they are of justices courts, and shall be bound in same manner to execute his process.

SEC. 63. It shall be the duty of the common council to appoint a city marshall who shall be the chief ministerial officer of the mayors, and as such invested with all the powers of a sheriff and constable, entitled to the same fees and subject to the same penalties and amercements. He shall execute and return all process directed to him by the mayor, and when necessary may serve the same in part of Jeffer-

son county.

It shall be his duty to suppress all riots, disturbances and breaches of the peace; to apprehend all rioters, disorderly persons, and disturbers of the public peace in said city, and all persons in the act of committing any indictable offence against the laws of the state or fleeing from justice after having committed such offence, and him, her or them, forthwith to take into custody and bring before the mayor for examination: and in case of resistance may call to his aid and command the assistance of all bystanders and others in the vicinity. He shall perform such other and further duties as may from time to time be

required of him by the common council, and may appoint one or more deputies, and at pleasure dismiss or discharge them from office, being always responsible for the correct discharge of their duties. Before entering on his duties he shall take an oath of office and give bond with security to the acceptance of the common council for the faithful discharge of his duties.

SEC. 64. That all the rights, powers, and duties and privileges conferred upon the city of Madison by this act shall be and the same are hereby in like manner extended to, and conferred upon the town of Lawrenceburgh, in Dearborn county, except as herein provided.

SEC. 65. That the corporate name of said town of Lawrenceburgh

shall continue as heretofore provided by law.

SEC. 66. That nothing in this act contained shall make it obligatory for the corporate authority of said town of Lawrenceburgh to open more than one poll or place of receiving votes, or to divide said town into wards until it may be thought necessary so to do.

Sec. 67. That the power conferred by the twelvth section of this act to prohibit bathing and swimming and hereby extended to the said town of Lawrenceburgh shall be construed to apply to the Ohio

river and Tanner's creek adjoining the said town.

SEC. 68. That the power conferred by the sixteenth section of this act to have use of the county jail of Jefferson county, shall so far as said town of Lawrenceburgh is concerned be construed to extend to the county jail of Dearborn county, situate in the town of Lawrence-

burgh, and the said town shall have the use of the same.

SEC. 69. That the boundaries of said town shall be construed to cover and include the present bounds of the said town, and all additions that shall be made thereto, and also all that space of ground lying between the old and new towns and included between the upper and lower roads running from the old and new town, together with the shores of Tanner's creek adjacent thereto to the opposite shore of the same and the Ohio river adjacent to said town to low water mark.

Sec. 70. And for the purpose of organizing the government under this act the territory insaid city is hereby divided into eight wards

as follows, viz:

All the territory east of Walnut street extended in a due line to the north and south limits of said city shall constitute the first ward.

All the territory between Walnut street and Main street extended

as aforesaid, shall constitute the second ward.

All the territory between Main and Mulberry streets, extended as

aforesaid shall constitute the third ward.

All the territory between Mulbery and West streets, extended as aforesaid shall constitute the fourth ward.

All the territory between West street and Poplar lane extended as aforesaid shall constitue the fifth ward.

All the territory between Poplar lane and Elm street, extended as

aforesaid shall constitute the sixth ward.

All the territory between Elm and Mill streets shall constitute the seventh ward.

And all the territory lying west of Mill street extended as aforesaid

shall constitute the eighth ward.

And it is hereby made the duty of the trustees of the town of Madison to appoint some suitable person in each of said wards, inspectors of elections, and appoint a place for holding an election in each of said wards on the first Monday of April next, which election shall be governed in all respects by the provisions herein before contained, and so soon as a mayor and councilmen shall be elected and enter upon their duties as herein before provided, then and from thenceforth the act to incorporate the town of Madison, approved February 4th, 1831, and all acts amendatory of the same shall be and stand repealed, and all the powers and privileges of the trustees of the town of Madison shall cease and determine, and the said city of Madison shall then and from thenceforth become invested with all the real and personal estate, and all other rights and privileges belonging to the trustees of the town of Madison, together with the property, funds, and revenues, and all moneys, debts, accounts, demands due and owing or in anywise belonging to said trustees: Provided, however, that all suits pending or judg. ments recovered by or against said trustees, with all rights, interests, or demands against or in favor of the same may be continued, prosecuted, defended and collected in same manner as though this act had ne-

This act to take effect and be in force from and after its passage.

#### CHAPTER IV.

AN ACT to incorporate the town of Indianapolis in the county of Marion.

[APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That such part of the township of Centre in the county of Marion as is included in the bounds of the donation of the United States to the State of Indiana for a permanent seat of government, be, and the same is hereby erected into a town corporate, which shall henceforth be known and designated by the name of "the town of Indianapolis," subject however to such alterations and regulations as the legislature may from time to time prescribe.

SEC. 2. Be it further enacted, That for the better ordering and gov. erning the said town of Indianapolis, and the inhabitants thereof, there shall be therein a president and six trustees, who shall be elected and sworn as hereinafter directed, which president and trustees shall be one body corporate and politic, with perpetual succession, to be known and designated by the name of the "common council of Indianapolis," and they and their successors by the name aforesaid, shall be able and capable to receive, acquire, hold and convey, any estate real or personal for the use of said town: (Provided, That the clear annual

income thereof shall not exceed four thousand dollars) and shall also be able and capable in law by the name aforesaid of suing and being sued, and of pleading and being impleaded, in any action or suit in any court in this state, and when any action or suit shall be commenced against the said common council, the first process shall be a summons, an attested copy of which shall be left with the president, or at his usual place of abode, at least ten days before the return thereof, and the said common council are hereby authorized to have a common seal for the use of the said corporation, and the same to alter or renew at their pleasure.

SEC. 3. Be it further enacted, That on the last Saturday of March next and annually thereafter there shall be an election held at some suitable place in each ward, to be designated by the present board of trustees, for the purpose of electing by ballot, between the hours of one o'clock, P. M. and four o'clock P. M. on said day, a president and six trustees, who shall be designated on the tickets for the respective offices; one of which trustees shall be from each ward, each ward to elect its own trustees, at which election all free white males of the age of 21 years and upwards who shall have resided within the corporation one year next preceding the election, shall be entitled to a vote: Provided however, That no voter shall be allowed to vote in any ward other than the one in which he resides at the time of the election. The place of boarding at the time of the election shall be considered the residence of such voters as are not householders.

SEC. 4. Beit further enacted, That at the first election for a president and trustees under this act, the election shall be conducted in the mode provided in the act for the election of township officers as far as the same may be applicable, and on the day succeeding the one on which said election shall be held, the judges and clerks of the several ward elections shall meet at the council chamber in said town, or at the court house, and a majority of said judges shall examine the poll books and tickets if required by any voter; and the judges and clerks so assembled shall give to the person having a plurality of votes in said town a certificate of his election as president, and to the persons severally having a plurality of votes in their respective wards, certificates of their election as trustees or councilmen. The president and trustees so elected shall hold their respective offices for the term of one year and until their successors are duly elected and qualified, and each of said officers shall within five days after notice of his appointment, take an oath or affirmation to support the constitution of the United States and of this state, and faithfully to discharge the duties of his office, to be administered by some person authorized to administer oaths and affirmations.

SEC. 5. Be it further enacted, That the president of said council shall be a conservator of the peace within the limits of said donation, and shall have power concurrent with that of a justice of the peace in criminal cases to apprehend, commit, fine or hold to bail, for any offence against the laws of the state committed within the limits of said corporation; and the town marshal shall execute all process to him directed, and shall have the power and authority of a constable in crimi nal cases within the limits of said donation, and it shall be the duty of the marshal to suppress all riots, disturbances and breaches of the peace with or without process; on view to apprehend all rioters, disorderly persons or disturbers of the peace of the town, and forthwith to convey them to the president, and in case of resistance, it shall be lawful for him to command the aid of any by-standers in apprehending and conveying such offender to the president's office, and in shall be the duty of the president forthwith to hear and determine the complaint according to the usages of courts.

SEC. 6. Be it further enacted, That the said "common council of the town of Indianapolis," four members of which, the president being one, shall constitute a quorum, shall and may from time to time, or at any time, hold a common council in said town, at such place as the president shall appoint, and shall have full power and authority to pass and publish all such laws and ordinances as to them shall seem necessary relative to the regulations of streets, alleys, sidewalks and highways, to cleaning, raising, draining, turnpiking, McAdamizing or otherwise making and keeping the same in repair, to making, causing and requiring owners of in-lots to pave or gravel the sidewalks in front of their respective in-lots, in such part or parts of said town, as the said common council shall from time to time prescribe, to establish and regulate markets, to regulate the assize of bread from time to time, to restrain swine from running at large within the said town, or otherwise regulating them: Provided, nothing herein contained shall be so construed as to subject cattle, sheep, hogs or other animals not belonging to said town to be abused, taken up or sold for coming in and passing through the bounds of said corporation; to buildings, public or private; to trees for ornament or use, public or private; to cleansing of chimneys; to preventing and extinguishing fires in said town; to regulating the heights and extent of fences before door yards in the said town; and to provide by ordinance for imposing reasonable fines and penalties upon all persons transgressing against the laws and ordinances, as the said common council shall deem necessary and proper for the health, safety, cleanliness, convenience and good government of the said town of Indianapolis and the inhabitants thereof, not contrary to the constitution and laws of the United States and of this state; all of which laws and ordinances passed as aforesaid, shall be kept by the president, and the contents thereof shall be made known by advertisements in two public places in said town, three days after which advertisement or publication they shall be in force, and shall so remain untill repealed, altered or amended by the common council of the said town or by the legislature of the state, or adjudged unconstitutional by a judgment of the circuit court of Marion county or of the supreme court of this state.

SEC. 7. Be it further enacted, That the said common council shall and may appoint a secretary to the board and a marshal, (who may be appointed and act as collector) a treasurer, assessor, collector, superpervisor of highway, clerk of the market, and such other subordinate officers as they may think necessary, who shall hold their respective

offices until the next annual election of the common council, and until their successors are duly appointed and qualified; and the said common council shall be, and are hereby authorized to allow from time to time, such fees to the officers so appointed, and to impose such fines for refusing to accept such offices, or for misconduct in the same, as may seem necessary and proper: Provided, that no fines for refusal to accept an office shall exceed the sum of five dollars; and the said common council shall also have the power to fill all vacancies that may happen in the common council, and the appointment so made shall continue until the next annual election, and until the successors of the per-

sons so appointed are duly elected and qualified.

SEC. 8. Be it further enacted, That the president of the common council shall be, and he is hereby authorized and empowered, upon view, or information, on oath or affirmation of the violation of any law or ordinance passed by the said common council, to issue a warrant directed to the marshal, commanding him to bring before him the person or persons offending; and shall have power to summon witnesses and to impose fines for neglect or refusal to obey such summons, to administer all necessary oaths or affirmations, and to hear and determine such accusations, and on conviction, to impose such fines and award judgment thereon, as the laws and ordinances shall prescribe not exceeding one hundred dollars; and shall allow to witnesses such fees as are allowed by law to witnesses in civil cases, and tax such costs against the person or persons so convicted, and the said president shall cause such fine or fines to be collected together with costs by execution, directed to the marshall, commanding him to cause to be made the fine or fines, so imposed as aforesaid, together with costs, of the goods and chattels of the person or persons so convicted, and if sufficient goods and chattels cannot be found, and a return to that effect made, to issue a capies pro fine, to commit the person or persons so convicted to prison, and the marshal in executing the process shall be governed by the same rules and regulations as are provided or may hereafter be provided for serving executions by constables in civil cases, and shall have the same power and authority which is or may be given to them by law, and the said fine or fines when collected shall be paid over by the marshal to the treasurer of the common council: Provided, That no person shall be imprisoned under the authority of this section for a longer period than twenty-four hours at any one time.

SEC. 9. Be it further enacted, That the president shall keep a docket in which he shall regularly enter all causes brought before him, against any person or persons for violating the laws of the state and the ordinances of the common council, and shall on the application of any defendant or defendants, and the payment of such fees as are allowed by law to justices of the peace in like cases, give to him or them a transcript from his docket; and an appeal may be taken from any judgment of the president, imposing a fine for the violation of any laws or ordinances of the common council, to the circuit court of Marion county on like terms and conditions as are required and authorized in cases

of appeals taken from the judgments of a justice of the peace to the circuit court.

SEC. 10. Be it further enacted, That all warrants and process for a violation of any of the ordinances or laws of the corporation, shall be in the name of the "Common Council of the Town of Indianapolis," sealed with the seal of the corporation and signed by the president.

SEC. 11. Be it further enacted, That the senior member shall in the absence, death, or disability of the president, have, hold, and execute, the several offices annexed by this act, to the presidency, or any one

or either of them.

SEC. 12. Be it further enacted, That the said common council shall have power to require of every able bodied free male person over the age of twenty-one years, and under fifty, who shall have resided three months next preceding such requisition within the limits of the corporation, to perform two days labor on the streets or highways, under the direction of the supervisor of the corporation; Provided, however, That upon the payment of one dollar to the supervisor as aforesaid, such person shall be entitled to a discharge from the two days labor aforesaid; and to levy and cause to be collected a tax within said town on dogs, and on all property that is, or may be subject to taxation for county purposes: Provided, also, That no tax on real property shall exceed one half of one per centum in the value thereof.

SEC. 13. Be it further enacted, That the corporation shall in the month of April in each year, appoint a lister, who shall take an oath of office, and give bond and security, to be approved of by the corporation conditioned for the faithful discharge of his duties as lister; he shall proceed forthwith to make a fair list in alphabetical order, of all persons subject to a poll tax, and such personal property as the corporation may direct him to list; also, all lots or fractional lots, particularly noting the number, the owners names, if known, whether resident or non-resident, and having completed such assessment, he shall on or before the first day of June next succeeding, make return to the clerk

of the corporation of such list and assessment.

Sec. 14. Be it further enacted, That the common council shall in the month of June each year, levy a tax on the property so listed and returned by the lister, and appoint a collector, who shall take an oath and give bond and security, to be approved of by the council, conditioned that he will faithfully pay over all money that may come into his hands as collector to the treasurer of the corporation, or such person as may be authorized to receive the same; said collector shall hold

his office one year, unless sooner removed.

Sec. 15. Be it further enacted, That it shall be the duty of the common council to make out a fair list of all persons taxable with a poll tax, with personal property, and with real property, with its valuation, setting forth the owners name, (if known,) the amount of tax chargable to each person, and the amount charged on each article; and shall deliver the srme to the collector on or before the first day of July, annually, and certify the amount of tax contained on each list to the treasurer; such list so put into the hands of the collector, certified by

the president, and attested by the clerk, shall be sufficient authority

for the collector to proceed to collect the same.

SEC. 16. Be it further enacted, That it shall be the duty of the collector to receive the amount of taxes, due from each individual, on or before the first day of September, in each year, and in all cases where the taxes assessed are not paid by that time, by any individual, it shall be the duty of the collector to proceed and collect the same by distress and sale of any of the personal property of such delinquent, by giving ten days notice of the time and place of such sale, by setting up three

advertisements in public places.

SEC. 17. Be it further enacted, That in all cases where the tax due and owing, cannot be made of the goods and chattels of such delinquent, it shall be the duty of the collector to make sale of the lots or fractions of lots belonging to such person, or so much thereof as will pay the tax and cost due, by giving twenty days notice of the time of such sale, in some newspaper published in said town, or by posting up five written notices, in public places in said town; in which notice he shall particularly describe the lot or lots to be sold by their proper number, or some other certain description, with the owners name, if known, or the persons name to whom it is supposed to belong. The collector shall, on the day of sale, by proclamation, proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and costs due for the smallest portion of the lot or lots; and shall give to such purchaser a certificate of such purchase, setting forth the quantity sold, the amount paid, including tax and costs, and that such purchaser shall be entitled to receive a deed for the same at the end of three years, unless the owner shall redeem the same, in or before that time, by paying to said purchaser, his heirs or assigns the amount of the purchase money, with one hundred per centum per annum thereon, or deposite the amount with the clerk of the corporation; Provided, That all lots belonging to any person or persons who are minors shall not be sold for said non-payment of taxes, under any other terms or conditions, than that he, she or they shall have the full right of redemption by paying the amount of taxes and costs with ten per centum interest per annum thereon until paid.

SEC. 18. Be it further enacted, That in case the owner of such lot or fraction of lot, so sold as aforesaid, his, her, or their agent or attorney shall not pay the amount of the purchase money, with the per centum thereon, as aforesaid, within three years from the day of sale thereof, it shall be the duty of the collector who shall then be in office, to make a deed to the purchaser, or his assigns, for such lot or fraction of lot, which deed acknowledged and recorded agreeable to law, shall vest all the right and title to said lot in the purchaser, and divest the owner of any title thereto; and the assessment made on such lot or lots shall be a lien on the same, in the hands of any person who may purchase the same at private sale, and no conveyance made by the owner of such lot, after the time of such assessment, shall divest the purchaser thereof of the title to said lot, or interfere with the claim of such purchaser under the provisions of this act: Provided, That in all cases

where lots are listed and sold, the owners name not known, such sale shall be valid and good to the purchaser, and any deed so executed by the collector, shall be *prima facia* evidence of the regularity of such sale.

SEC. 19. Be it further enacted, That the collector may adjourn his sale of lots, from day to day, for three days, and if at the end of that time any lot or lots should remain unsold for want of buyers, he shall make return thereof, and the amount of the tax and cost on such lot shall remain a lien on such lot or lots, and shall be added to the next year's assessment with one hundred per centum thereon. The collector shall be allowed a fee of fifty cents for each sale and certificate.

SEC. 20. And be it further enacted, That it shall be the duty of the collector to make return of his proceedings and the sale made to the clerk of the corporation on or before the first day of November annually, and annually pay over to the treasurer all money by him collected, at which time he shall furnish a list of delinquents for which he shall

receive a credit, if deemed correct.

SEC. 21. Be it further enacted, That all moneys arising from fines and taxes as aforesaid shall be paid to the treasurer who shall give bond to the common council, and their successors with surety to be approved by them for the faithful discharge of the trust committed to him, and when required by the common council shall submit his works to their inspection, the assessor shall return his estimate on taxable property, and a copy of his assessment to the secretary who shall file the same, and shall publish a day of appeal to be held by the common council for the benefit of such as may think themselves aggrieved by the assessment, within ten days after the return of said assessment.

SEC. 22. Be it further enacted, That the said common council shall be allowed the use of the county jail for the confinement of all such persons as shall be liable to imprisonment under the seventh section of this act, and all persons so imprisoned shall be in the charge of the keeper

of said jail.

SEC. 23. Be it further enacted, That the powers of the corporation for the purpose of raising a revenue shall extend from North to South streets, and from East to West streets, and embracing those streets which are the present bounds of said town as appears from the town plat filed in the recorder's office in Marion county: Provided however, That all blocks, parts of blocks within the donation that are now or may hereafter be laid out into lots of a less size than one half acre, a plat thereof being filed in the recorder's office of Marion county, and all taverns, groceries, tipling houses, shows, theatres, and stores, within the limits of the donation shall be subject to the same laws and ordinances as if the same were within the bounds of the corporation, designated for the purposes of raising revenue.

SEC. 24. That the town of Indianapolis shall be divided into six wards, as follows, viz: All that portion lying east of Alabama street, shall constitute the first ward: all between Alabama and Pennsylvania streets shall constitute the second ward: all between Pennsylvania and Meridian streets, shall constitute the third ward: all between Me-

ridian and Illinois streets shall constitute the fourth ward: all between Illinois and Mississippi streets, shall constitute the fifth ward: and all of said town west of Mississippi street shall constitute the sixth ward: and each of said wards shall elect one trustee agreeable to the provisions of this act: Provided, that the common council of said corporation shall at any regular meeting thereof, if they deem it necessary, alter or make additional wards in said town, in which case such additional ward, or wards, shall each be entitled to one trustee as herein provided for the six wards, the boundaries of which are described in this section.

SEC. 25. Be it further enacted, That the said common council be, and they are hereby authorized to borrow money at any and all times when they may deem it expedient so to do for the purpose of improving the town of Indianapolis.

SEC. 26. Be it further enacted, That it shall be the duty of the president to sign all laws, ordinances, and decrees of a public nature, and also to sign the records of all their by-laws and journals or minutes of their proceedings.

SEC. 27. Be it further enacted, That the common council shall have power to levy and collect a poll-tax on each free male citizen who shall have resided within the bounds of said corporation thirty days, not exceeding one dollar each: and all shows, exhibitions, auctions, pedlars, and amusements; the said common council shall have power to pass such laws, ordinances, or decrees, as may be necessary to guard against damage by fire: to organize fire companies, and to govern the same, to regulate the duty and conduct of the citizens of the town in relation thereto: to regulate and govern the markets: to tax all itinerant or transient auctioneers, or all sales at auction of goods, wares, property, or merchandize, not belonging to any citizen of the county of Marion, but no such auction tax shall be assessed upon any person, or persons who shall have been six months preceding such auction a citizen of said county: and no such tax shall be assessed upon the sale of household goods, farming stock or utensils, or such sales of property other than foreign merchandize: to prevent the erection of public nuisances, to declare what shall be such nuisance: to enforce by proper penalties the observance of all laws and ordinances relative to the police and government of said incorporated town.

SEC. 28. Be it further enacted, That the common council shall at all times have full power to refund any moneys wrongfully collected as taxes, and to correct any assessment or tax list by adding thereto or substracting therefrom, as to them shall seem right.

SEC. 29. Be it further enacted, That all bonds given by the officers of the corporation, and all contracts entered into with the corporation, shall be in the name of the common council of the town of Indianapolis, and all suits commenced for the benefit of the corporation, or where the corporation shall be defendant, shall be in the name of said common council, without setting forth the name of any member thereof.

SEC. 30. Be it further enacted, That it shall not be lawful for any person or persons within the bounds of said town as specified in the

first section of this act, to sell by a less quantity than one quart at a time any spiritous liquors foreign or domestic, nor shall it be lawful for any person or persons to keep what is commonly called a "tipling house," or any other house to vend spirits foreign or domestic by a less quantity than one quart at a time unless such person or persons shall in addition to a license obtained from the board of county commissioners, obtain license from the corporation, who is hereby authorized to grant the same to such applicant for one year, on his, her, or their paying into the treasury of the corporation, a sum not exceeding one hundred dollars at the discretion of the corporation, and if any person or persons shall sell any spiritous liquors, or keep what is commonly called a "tipling house," or any other house within said limits contrary to the provisions of this act, he, she, or they so offending shall in any action of debt upon conviction thereof before the president of the said corporation, be fined in any sum not more than one hundred nor less than fifty dollars for the use of the corporation. And for the better regulating the peace and good government of the town, the common council is hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting, or whatever may detract from the peace and good order of society.

SEC. 31. Be it further enacted, That the president and trustees of said corporation shall be entitled to receive the sum of one dollar each for every meeting held by them as a common council, to be paid out of the funds belonging to said corporation: Provided, that they shall only receive payment as aforesaid at their regular monthly meeting, and at no special session.

SEC. 32. Be it further enacted, That the right of trial by jury shall remain inviolate to every person accused of any violation of this act, or the ordinances of the board where the amount in controversy shall exceed three dollars.

SEC. 33. Be it further enacted, That the officers of the common council shall perform all and every duty not herein specified, which may be required of them from time to time.

SEC. 34. Be it further enacted, That this act shall not be construed to avoid, or in any wise affect any right at present vested in the said town of Indianapolis by any law heretofore or now in force, nor any liability or forfeiture incurred in favor of, or against said corporation as heretofore organized; but that the same, and all suits for the recovery thereof shall remain and be in force, as if this act had not been passed. And the present president and trustees are hereby authorized to act as the common council hereby created until the first election herein provided for.

SEC. 35. Be it further enacted, That this act shall be deemed and taken to be a public act, and shall be favorably construed by courts of justice for all beneficial purposes. And this act shall take effect and be in force from and after it passage.

SEC. 36. Be it further enacted, That no person shall be deemed eligible to the office of president or trustee of the common council of

Indianapolis unless he shall be a freeholder within the bounds incorporated, and be at the time of his election a resident of the corporation proper, and any removal of said president or trustee out of the bounds of the in-lots of said town, or out of the ward in which he was elected, shall be a vacation of his office, and a majority of the board shall proceed to fill such vacancy by the appointment of some other freeholder from said ward.

SEC. 37. Be it further enacted, That the border streets of said town, being east, west, north, and south streets, be, and they are hereby declared public highways, and it shall be the duty of the common council to open and keep said streets in repair, and it is hereby made the duty of said council to cause said streets to be opened within three months after the publication of this act, otherwise said council shall forfeit all rights and privileges of jurisdiction beyond the said streets. which are conferred on said council by the 23d section of this act.

#### CHAPTER V.

AN ACT to Incorporate the Town of Terre-Haute.

[APPROVED, EEBRUARY 17, 1838.

#### NAME AND GENERAL FORM OF CORPORATION.

SEC. I. Be it enacted by the General Assembly of the State of Indiana, That the inhabitants of the town of Terre-Haute are hereby declared to be a body corporate and politic, by the name and style of the "Town of Terre-Haute."

SEC. 2. By that name they may have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended

against in any court of law or equity.

SEC. 3. They may contract and be contracted with, purchase lands, tenements, hereditaments, goods and chattels, and hold the same for the use and benefit of themselves and their successors, or for the same purposes, may sell, transfer and convey the same to others. They may also borrow money for the use of said corporation; and in case of a surplus at any time on hand above the immediate wants of the corporation, may loan the same at any interest not exceeding the rate of ten per cent. per annum, or invest the same in profitable stocks as may be deemed best and safest for the interests of such corporation.

Sec. 4. Said corporation may have and use a common seal, and break and alter the same at pleasure, and make and enforce all by-laws and ordinances necessary for the good government and welfare of said town, not inconsistent with the constitution of the United States and the

constitution and laws of this state.

#### LIMITS OF CORPORATION.

SEC. 5. The inhabitants thus incorporated shall be embraced within the following limits, viz: All the in-lots together with two tiers of out-lots on the north, three tiers on the east, one tier on the west, two tiers on the south side, east of Marker street, and one tier south on the west side of Market street, including out-lots 30 and 31, and running due west to the Wabash river, and those limits shall forever remain the same unless altered by law. The common council shall however, from time to time in their discretion, change the wards of said town in order to equalize the same as near as practicable in regard to property and population, neither increasing or diminishing the number thereof, but until such change is made, the five wards or districts of said town, as at present defined, shall be the established wards of said corporation.

## OFFICERS, HOW CREATED, AND TERM OF SERVICE.

SEC. 6. The officers of the corporation shall consist of a mayor, ten council men, an assessor, a collector, a treasurer, a clerk, and a marshall.

SEC. 7. The mayor shall be elected by the qualified voters residing within the limits of the town, triennially, and shall hold his office for the term of three years, and until his successor is chosen and qua-

lified.

SEC. 8. The councilmen shall be elected by the qualified voters in their respective wards, two in each ward, annually, and shall hold their offices one year each until their successors are chosen and qualified.

SEC. 9. The assessor, collector, treasurer, clerk, and Marshal, shall be appointed by the common council, and shall hold their offices during good behavior, subject however to removal at the pleasure of said board. Except as in this act provided, it shall be the duty of the common council to fix the compensation of said officers so by them appointed, and the same to increase or reduce at pleasure.

#### BOARD FOR TRANSACTION OF BUSINESS, AND ITS DUTIES.

SEC. 10. The mayor and councilmen shall constitute a board to be called the Common Council, of which the mayor shall be ex officio the president.

SEC. 11. Six members of the common council, exclusive of the mayor, shall constitute a quorum for the transaction of business, and in case of the absence of the mayor, or in case of a vacancy in his office, may elect one of their number president pro tempore of said council.

SEC. 12. It shall be the duty of the mayor to preside at all meetings of the board, unless pending questions in which he may be personally interested; but he shall only be entitled to a vote on questions where the board doing county business shall be equally divided, and in all such cases he shall give the casting vote.

SEC. 13. In case of a vacancy in the office of mayor, such vacancy shall be filled by a new election, two weeks notice thereof being given by the common council in some public newspaper printed in the town of

Terre Haute.

SEC. 14. In case of vacancy in the office of any councilman, such vacancy shall be immediately filled by the board of councilmen—such appointment to continue until the next regular annual election, and until a successor to such person so appointed is chosen and qualified.

SEC. 15. A full and accurate record of the proceedings of the common council, shall be kept by the clerk, and each days proceedings shall be signed by the president and attested by the clerk; which proceedings shall be subject at all times to the inspection of any citizen of the town who is a qualified voter thereof.

SEC. 16. It shall be the further duty of the president to sign all laws, ordinances and decrees of a public nature, and the duty of the

clerk to attest the same before their publication.

SEC. 17. Before entering upon the duties of his office, the mayor shall take an oath or affirmation, before some officer authorized to administer oaths, and also give bond made payable to the "town of Terre-Haute," in the penalty of one thousand dollars with security, to be approved of by at least six councilmen, for the faithful discharge of his duties, which bond shall be deposited in the clerk's office of the county of Vigo for the benefit of the corporation, or any person aggrieved.

#### MAGISTERIAL POWERS OF THE MAYOR.

SEC. 18. The mayor so elected and qualified, shall have the same jurisdiction and power, in both civil and criminal cases, which justices of the peace in and for the township of Harrison in the county of Vigo have; and his jurisdiction shall extend to all cases of violation of any of the by-laws, ordinances, regulations or decress of the common

council, in regard to every matter whatsoever.

SEC. 19. Said mayor shall have the same power to issue process in all cases within his jurisdiction, shall proceed in the same manner, and be entitled to the same fees as justices of the peace. He shall keep a docket which in all respects shall have the same effect as a docket of a justice of the peace, and the parties to any suit before him, shall have the same right to a change of venue, to trial by jury, and to an appeal to the circuit court, as if the suit were instituted and pending before a justice of the peace.

#### DUTY OF MARSHAL.

SEC. 20. It shall be the duty of the marshal to serve and return all process issued by the mayor, and his power for this purpose shall be co-extensive with the county of Vigo. He shall attend all trials before the mayor, and shall be entitled to the same fees as constables

for like services, and shall in addition to being the executive officer of the common council, be a peace officer within the town. In case of the absence or inability of the marshal, the mayor may direct process to any constable of Harrison township, who shall serve and return the same as in other cases.

#### GENERAL PROVISIONS.

SEC. 21. No person shall be incompetent to be a witness or juror in suits for the violation of any by-law, ordinance, or decree of the common council, because such person may be a citizen of the town.

SEC. 22. The stated meetings of the common council shall be on the first Monday in each month in the year, and special meetings may be called at any time, the councilmen being thereof duly notified.

SEC. 23. The councilmen and the assessors, collector, treasurer, clerk and marshal, shall severally be sworn faithfully to discharge their duties before entering into office, and the treasurer, collector and marshal shall severally give bond payable to the "Town of Terre Haute," in such penalty as may be required by the common council for the faithful discharge of their duties, and for faithfully accounting for all moneys or property that may come into their hands by virtue of their respective offices, the security to be approved of by the common council, which bonds shall be filed in the clerk's office of the county of Vigo, for the benefit of the corporation or any person aggrieved.

Sec. 24. In case of the rendition of judgment upon any bond taken by virtue of this act against the makers thereof, no stay of execution shall be allowed thereon; and in all prosecutions upon any official bond given by virtue of this act, the same shall be instituted in the

Vigo circuit court.

#### THE MODE OF ELECTING MAYOR AND COUNCILMEN.

SEC. 25. Every qualified elector of this State, not a pauper, who shall have resided in the town of Terre Haute for six months next preceding the election, shall be entitled to vote for mayor and councilmen of said town.

SEC. 26. An election for mayor shall be held at the court house, or some other convenient place in Terre Haute, on the first Monday in May, 1838, and on the first Monday in January, tri-ennially, thereafter, between the hours of ten, A. M. and four, P. M. of said day, of which election there shall always be two weeks notice given, in some newspaper printed in said town. Of the first election of mayor, to be held by virtue of this act, notice shall be given by the existing board of trustees of said town, and of all subsequent elections for the same office, notice shall be given by the common council.

SEC. 27. On the first Monday in May next, and on the first Monday in January, annually thereafter, polls shall be opened in each of the five wards of said town for the election of two councilmen in each of said wards, at which election all persons authorized to vote for

mayor, shall be entitled in their respective wards to vote for councilmen, notice of such elections to be given for the same period and in the same manner as is provided in case of the election of mayor; Providid however, That whenever an election of mayor and councilmen occurs on the same day, separate polls shall be opened for mayor and councilmen in the ward at which the votes are taken for mayor; but nothing herein shall prevent the judges and clerk in such ward from acting as judges and clerk of both of said elections, separate and distinct lists being always kept of the votes thus received.

SEC. 28. All votes for mayor and councilmen shall be by ballot, and any person voting out of the ward of which he is a resident, for councilmen, shall be deemed guilty of a high misdemeanor, and on conviction thereof by presentment or indictment in the circuit court of Vigo county, shall be fined in any sum not exceeding one hundred dollars; and any person voting more than once at the same election for the same office, whether for mayor or councilmen, shall be liable to

the same penalty in the same manner.

Sec. 29. In the first election for mayor, by virtue of this act, the president of the existing board of trustees, shall with two other qualified voters of said town, to be by him selected, act as judges of said election, they being first sworn faithfully to discharge their duties as such. After being sworn, they shall select some qualified voter of the town, as the clerk of such election, who shall also be sworn in like manner: Provided however, That in case of the absence of such president, some other qualified voter of the town may be selected in his stead, by the electors present, who shall then be invested with the same powers.

SEC. 30. When so qualified as aforesaid, said judges shall proceed to receive and count the votes given, and the clerk to keep a correct list thereof; and on the day subsequent to such election, said judges under their hands and seals shall certify to the clerk of the existing board of trustees the name of the person receiving the highest vote, who shall thereupon be deemed duly elected mayor, which certificate shall be filed, and recorded by said clerk on the records of said board.

SEC. 31. When such certificate shall be so filed, it shall be the duty of the clerk of said board to make out and deliver to the person so elected, a certificate of election, which shall be a sufficient and full authority to said person to exercise the powers delegated to him by this

act after giving bond and taking the oath required by law.

SEC. 32. In the election of councilmen at the first election held by virtue of this act, the existing trustee of the proper ward, or in case of his absence some other person who is a qualified voter of the ward, to be selected by the persons present, together with two other qualified voters of said ward to be by him selected, shall act as judges of this election in such ward, after being duly sworn faithfully to discharge their duties as such. They shall also select in the same manner some qualified voter of the ward, to act as clerk of such election, who shall be sworn in like manner. In all elections for councilmen, the same rule shall be observed in receiving and counting votes, and in keeping

a list thereof, as is observed in the election of mayor. On the day subsequent to such election, the judges thereof shall certify the names of the two persons receiving the highest number of votes, as duly elected councilmen for said ward, to the clerk of the board of trustees as aforesaid, which certificate shall be filed and recorded as aforesaid, and when so filed, a certificate of such election shall be made out by said clerk, and delivered to the persons thus elected: Provided, however, That in the ward where the mayor's election is held, the same judges and clerk may act as judges of the election of mayor and councilmen.

SEC. 33. In all elections subsequent to 1838, for mayor and councilmen, the same rules and regulations shall be observed, except that instead of the president of the board of trustees, acting as a judge at the mayor's election, and instead of the trustees of the proper wards acting as a judge at the elections in the respective wards, it shall be the duty of the common council to appoint some proper persons to fill their respective stations, who shall be termed inspectors of elections; and when so appointed, they shall with two other qualified voters of said town to be by them selected, conduct such elections in the manner prescribed in the foregoing sections.

SEC. 34. No person shall be eligible to the office of mayor or councilman, unless he is a qualified voter and a freeholder of said town.

SEC. 35. In all elections after 1838, a certificate of election shall be made out by the clerk of the common council, and delivered to the person duly elected, such election having been first certified to the clerk, by the judges thereof, as is provided in the foregoing sections of this act, and in all cases a record of the certificates of said judges shall be kept by said clerk.

# SPECIFIED POWERS OF COMMON COUNCIL.

Sec. 36. The common council shall have power to assess annually against each male inhabitant of the town who shall be twenty-one years of age, sane and not a pauper, a poll tax not exceeding fifty cents, and upon all lands, tenements, hereditaments and the appurtenances thereunto belonging, and upon such goods and chattels as they shall from time to time designate, a tax not exceeding one half of one per cent. on the full value thereof, and to fix the rates of all licenses to retailers of spiritous liquors at such sum as they may deem best for the interests of said town.

SEC. 37. Said council on or before their stated meeting in February in each year, shall determine what goods and chattels if any, shall be assessed and taxed, and thereupon the clerk shall forthwith make and deliver to the assessor a copy of the assessment roll of the previous year together with a precept under the seal of the corporation, commanding him in the name of the common council, on or before the first Monday in May then next, to make and return to said council, a complete list of all persons liable to the poll tax as aforesaid, and of all lands, tenements, hereditaments, goods and chattels liable to be assessed and

taxed by the order and determination of said council, with the names of the owners and a just and fair valuation of all such property.

SEC. 38. The assessor shall execute and return such precept according to the command thereof, carrying out said list in the alphabet. ical order of the names of all persons liable for such taxes, and every such assessment shall be made or taken as if made on the first Monday of April annually, from which time the taxes of the then current year shall be a lien upon the property assessed, and a charge against the

owners of such property until paid.

SEC. 39. On the first Monday in June, 1838, and annually thereafter on the first Monday in May, the common council shall determine the rate per centum of the tax to be levied on the assessment aforesaid, and thereupon the clerk shall forthwith make and deliver to the collector an alphabetical list of the persons named in the assessment roll and the amount of tax of the current year and of the delinquent taxes of the preceding years chargeable against each, specifying whether the same is a poll or property tax, and if the latter, concisely describing the property; together with a precept under the seal of the corporation, commanning said collector in the name of the common council to collect the taxes charged in said list, and that he return said precept and list and pay over to the treasurer the moneys so collected on or before the first Monday in December then next.

SEC. 40. The collector shall on or before the first Monday in September, demand payment of the taxes of the persons charged therewith respectively, or at their most usual place of residence, and upon payment thereof, he shall receipt therefor, specifying the year and the

amount of such tax.

Sec. 41. If any tax shall not be paid on or before the first Monday in September, the collector shall proceed to collect the same by distress and sale of the goods and chattels of the person charged therewith, or of the goods and chattels found on the lands, tenements or hereditaments upon which the unpaid tax was assessed, giving ten days notice of such sale by written or printed advertisements put up in three

of the most public places in said town.

Sec. 42. If no goods and chattels can be found out of which to make the taxes due from any person as aforesaid, the collector after giving four weeks notice thereof in a newspaper of the town of Terre Haute and by a written or printed advertisement put up at the court house door of the county, may on the second Monday in November between the hours of ten o'clock A. M. and four o'clock P. M. of said day, proceed to sell at public auction before the court house door the rents and profits of all such lands, tenements and hereditaments as may be found in said town being the property of such person from whom said taxes are due, for the shortest time the same can be sold for and produce the amount sufficient to discharge said taxes and the costs of such sale, and in case the sale of the rents and profits will not produce the sum required, the collector shall sell the fee simple or entire interest of the owner thereof to the highest bidder for cash in hand, and after

deducting the amount of taxes and costs as aforesaid shall pay the resi-

due if any there be to the person thus charged with taxes.

SEC. 43. In case of a sale of the rents and profits of any property as in the preceding section provided, the collector shall give to the purchaser a certificate of the sale, describing the property sold, the period for which it was sold, and specifying the amount of taxes and costs for which the same was sold, which certificate, if all the proceedings relating to the tax and sale were regular, shall vest in the purchaser an indefeasible title to the property for the time therein specified, and it shall be prima facie evidence of the regularity of such proceedings: Provided however, that any person interested therein may redeem the property so sold, by paying to the purchaser, or the clerk of the corporation for such purchaser at any time afterwards the amount for which the same was sold, together with fifty per centum thereon and all taxes thereon which have accrued since such sale and been paid by such purchaser.

SEC. 44. In all cases of the sale of the fee simple of any lands, tenements and hereditaments as hereinbefore provided, the collector shall execute to the purchaser a conveyance therefor, which conveyance, provided all the proceedings prior to such sale were regular, shall vest in the purchaser a perfect and indefeasible title in fee simple to

the property thus conveyed.

SEC. 45. The collector besides the cost of printing shall be allowed ten per centum on all taxes collected by distress and sale of either real or personal property, to be paid out of the proceeds of such sale as a compensation for such services, and he shall specify in his return to the precept what taxes have been thus collected, describe the property sold, and name the purchaser, and in case of the sale of the rents and profits of real estate, specify the amount and time for which the same sold. He shall also in such return state what taxes if any remain unpaid for want of property out of which to make the same, and shall moreover make oath that his return is just and true to the best of his knowledge and belief, which oath shall be endorsed thereon. He shall also give notice to the council of all omissions or other mistakes in the assessment and tax rolls which may come to his knowledge, that the same may be corrected.

SEC. 46. The common council shall at all times have full power to refund any moneys wrongfully collected as taxes, and to correct any assessment or tax list, by adding thereto or subtracting therefrom as to

them shall seem right.

SEC. 47. The common council in addition to the powers hereinbefore granted, shall have the management and control of the finances and of all the property both real and personal belonging to the corporation and shall have power within said town to make, establish, publish, alter, modify, amend and repeal ordinances, rules, regulations and by-laws for the following purposes:

1. To prevent and punish forestalling and regrating, and to prevent and restrain every kind of fraudulent device and practice within said

town.

2. To prevent, restrain, prohibit and punish all descriptions of gaming in said town.

3. To regulate or prohibit the exhibitions of common showmen and of shows of every kind, or the exhibition of natural or artificial curiosities, caravans or circuses.

4. To prevent any riot or noise, disturbance or disorderly assembla-

ges in said town.

5. To suppress and restrain disorderly houses and groceries, houses of ill fame, billiard tables, nine or ten pin alleys or tables and ball alleys, and to authorize the destruction and demolition of all instruments for

the purposes of gaming.

6. To compell the occupant or owner of any grocery, cellar, tallowchandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort or convenience of the inhabitants of said town, at the discretion of said council.

7. To direct the location of all slaughter houses, markets and hou-

ses for storing powder.

8. To regulate the keeping and conveying of gun-powder and other combustible and dangerous materials, and the use of candles and lights in barns and stables.

9. To prevent horse-racing, immoderate riding or driving in the

streets.

10. To prevent the incumbering of the streets, sidewalks, lanes, alleys, wharves and docks, with carriages, carts, sleighs, drays, sleds, wheel-barrows, boxes, lumber, fire-wood, timber, or any other substance or material whatsoever.

11. To regulate and determine the times and places of bathing and

swimming in the river near the town.

12. To restrain and punish vagrants, mendicants, street-beggars and

common prostitutes.

13. To restrain and regulate the running at large of cattle, horses, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the costs of the proceedings.

14. To prevent the running at large of dogs, and to authorize the destruction of the same when at large contrary to any ordinance of the

- 15. To prohibit any person from bringing, having or depositing within the limits of the town, any dead carcass or other unwholesome substance, and to require the removal or destruction of any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind by the person on whose premises the same may be found, and on his default, to authorize the removal or destruction thereof by some officer of the town.
- 16. To prohibit the rolling of hoops, playing at ball, flying kites or any other amusement or practice, having a tendency to annoy persons

passing the streets or endanger their safety, or to frighten teams or horses within the town.

17. To compel all persons to keep the snow, ice and dirt from the

sidewalks in front of the premises owned or occupied by them. 18. To prevent the ringing of bells, blowing of horns, trumpets and

bugles, and crying of goods or other things within the town.

19. To abate and remove nuisances, and for this purpose the jurisdiction of said corporation is hereby extended to the distance of one half mile beyond the limits of the town in every direction.

20. To regulate and restrain runners for boats and stages.

21. To regulate the burial of the dead and provide for the security and sanctity of the public burying ground.

22. To provide for the keeping and returning to the council bills of mortality, and to impose penalties on physicians, sextons and others for

any default in this respect.

- 23. To regulate guaging, the place and manner of weighing and selling hay, of measuring and selling wood and lime, of measuring or weighing and selling coal, and to appoint suitable persons to superintend and conduct the same.
  - 21. To appoint watchmen and prescribe their powers and duties.

25. To regulate cartmen, draymen, cartage and drayage.

26. To regulate the police of said town.

- 27. To regulate the quality of bread offered for sale, and provide for the seizure and forfeiture of bread of a different quality.
- 28. To establish, make and regulate public pumps, wells, cisterns, reservoirs, and prevent the unnecessary waste of water.

29. To establish and regulate public pounds.

30. To establish market houses, and prescribe the regulations thereof.

31. To provide by insurance or otherwise for the security of the

property of the corporation.

32. To prevent the firing of guns, pistols, and prohibit all fireworks within said town.

33. To purchase fire engines and organize fire companies.

34. To prohibit the selling by retail of any spirituous liquor or ardent spirits to be drank in the shop, store, grocery, out-house, yard or garden owned or occupied by the person selling the same without a license from the said common council.

35. To prohibit the selling or giving away of ardent spirits or other intexicating liquor to any child, apprentice or servant, without the

consent of his or her parent, guardian, master, or mistress.

SEC. 48. The common council shall have power from time to time to appoint such additional assistant marshals, constables, or other officers, as agents, as they may deem necessary to carry out and enforce the orders, ordinances, by laws, decrees and regulations of said corporation; to prescribe their duties, and regulate their compensation or fees; and may remove all such officers at pleasure.

SEC. 49. The said common council may do and perform all things necessary to carry into effect the powers granted to them by this act; and enforce obedience of all rules, ordinances, decrees, by-laws and police regulations made in pursuance of this act, by imposing penalties for the violation thereof, not exceeding one hundred dollars for any one offence, to be recovered in the name of the "town of Terre-Haute," before the mayor of said town, or before any justice of the peace of

Harrison township, in an action of debt, with costs of suit.

SEC. 50. Every such ordinance, by law, police regulation or decree, imposing any penalty or forfeiture for a violation of its provisions, shall after the passage or adoption thereof, be published for three weeks successively in some public newspaper printed in said town, and proof of such publication by the affidavit of the printer or publisher of said paper taken before any person authorized to administer oaths, or any other competent proof of such publication, shall be conclusive evidence of the legal promulgation and existence of such ordinance, bylaw, police regulation or decree in all courts and places.

SEC. 51. In all actions brought to recover any penalty or forfeiture incurred under any ordinance, by-law or police regulation made in pursuance of this act, it shall be lawful to declare in debt generally, for such penalty or forfeiture, stating the by law, ordinance, or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence; and the defendant in like manner may plead the general issue to such action, and give all matters of defence in

evidence under that issue.

SEC. 52. The first process in any such action, shall be a capias or warrant, and execution may be issued immediately on the rendition of judgment, and all expenses incurred in prosecutions for the recovery of any penalty or forfeiture as aforesaid, shall be defrayed by the corporation; and all penalties and forfeitures when collected shall be paid

to the treasurer for the use of said town.

SEC. 53. Any person against whom any judgment is rendered for any penalty or forfeiture incurred by reason of the violation of any ordinance or by-law of said corporation, who refuses to pay said judgment, or who, it appears, by the return of the officer on the execution issued on such judgment, has no goods or chattels out of which to make the same, may be committed to the jail of the county of Vigo or the corporation prison, on the warrant of the officer rendering said judgment, and before whom such execution shall be returned, for any period in his discretion, not exceeding thirty days, and such warrant shall be a sufficient authority for the jailor or keeper of the prison, to receive such person, and for the officer in whose hands it may be placed to execute it.

# EXCLUSIVE JURISDICTION OVER STREETS &C.

SEC. 54. The common council shall have the sole and exclusive control of all the streets, alleys, and lanes in said town, with full power from time to time to open, grade, pave, and improve the same, and for the purpose of preventing all misunderstanding, it is hereby expressly declared that no portion of the territory within the limits of the corporation shall be included in any road district, nor shall the citizens or the property of said town be subject to taxation for county or state road purposes, any thing in the laws of this state to the contrary notwithstanding.

SEC. 55. The common council shall also have the power to construct wharves and convenient landings for vessels at the termination of the streets at the river within said town, and also at any other point on said river, where the property is or may be owned by the corporation---to regulate the rates of wharfage, and to collect the same for the

use of said corporation.

Sec. 56. The common council shall have power to erect a town prison for the use of the corporation, and until such prison shall be erected, the jail of Vigo county shall be used for said purposes.

Sec. 57. On the organization of the common council as provided by this act, all laws and parts of laws, by which the town of Terre-Haute has been incorporated, and all laws coming within the perview of this act, shall and the same are hereby repealed; and said common council shall thereupon have full authority to demand, recover and receive all books, papers, moneys and effects of the existing corporation, of and from the president and trustees and all other officers thereof, which books, papers, moneys and effects, together with all species of property belonging to the corporation at the time of such organization of the common council, shall vest in the town of Terre-Haute, as a corporate body organized by virtue of this act.

SEC. 58. The proceedings of the board of trustees of the town of

Terre-Haute are herby legalized.

This shall be a public act and be judiciously noticed and liberally construed by all the courts of this state, and shall take effect from and after its approval by a majority of the qualified voters of said town of Terre-Haute voting for such purpose. They may assemble at such time and place as the present board of trustees shall appoint and shall vote "charter" or "no charter."

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#### CHAPTER VI.

AN ACT to incorporate the town of Princeton.

## [APPROVED, FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the trustees of the town of Princeton shall be, and the same are hereby declared a body corporate and politic by the name and style of the "trustees of the town of Princeton," and by that corporate name shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of competent jurisdiction, contract and be contracted with, purchase lands, tenements, and hereditaments, goods and chattels, and hold them for the benefit of said corporation, or sell and convey the same at pleasure, have and use a common seal, and alter the same at pleasure, and make and enforce all by-laws and ordinances necessary for the good government and welfare of the town.

SEC. 2. On the first Monday in April, one thousand eight hundred and thirty-eight, and on the first Monday of May, annually thereafter, there shall be an election held at the court house in said town, for the purpose of electing by ballot, five trustees for said town; at which election all free white males of the age of twenty-one years and upwards, who shall have lived six months in the bounds of the corporation, shall be allowed to vote. The qualified electors present shall choose an inspector of elections, who shall call to his assistance two other qualified voters, who, with himself, shall be judges of the election: they shall appoint a clerk, and having taken an oath or affirmation faithfully to discharge their duty as judges and clerk, shall proceed to receive votes for trustees, between the hours of ten o'clock, A. M. and four o'clock, P. M. on said day: Provided, that if the electors should fail to meet and elect trustees at any annual election, the corporation shall not for that cause be dissolved, but the trustees then in office, shall continue in office, until others are elected at an annual meeting of the electors.

SEC. 3. It shall be the duty of the inspector and judges of such election, to certify the five persons having the highest number of votes as duly elected; which certificate shall be recorded amongst the proceedings of the corporation. And if two or more persons shall have an equal number of votes, the inspector and judges shall immediately determine which shall be elected. The trustees thus elected or a majority of them, shall meet and after taking an oath or affirmation, taithfully, diligently, and impartially, to discharge their duties as trustees, shall elect one out of their own body, to preside as president at all their meetings; but in case of his absence, a president pro tem. may be appointed; no person shall be eligible for a trustee, unless he be a qualified voter. When no vacancies happen by death, resignation, or oth-

erwise, such vacancy shall be filled by appointment of the trustees, until the next annual election. A majority of the trustees shall at all times form a quorum; and may meet when and as often as a majority may determine, and shall appoint all officers necessary to carry into effect the provisions of this act and make such compensation and require such bond and security as to them shall appear reasonable and proper.

SEC. 4. It shall be the duty of the president to sign all laws, ordinances and decrees, of a public nature, and also to sign the records of all their by-laws and journals, or minutes of their proceedings.

SEC. 5. The corporation shall have the power to levy and collect a tax on real property not to exceed one per cent. on its valuation, exclusive of improvements on such property; or on any specific article or articles of personal property; a poll-tax on each male citizen of twenty-one years of age and upwards, not exceeding fifty cents; on all shows and exhibitions, amusements, business, trade, occupations, or professions. The corporation may, in addition to the above tax, levy and collect on real property, not exceeding one half per cent. on its valuation, including improvements. The said corporation shall have power at all times to refund any moneys wrongfully collected as taxes, and to correct any assessment or tax list, by adding thereto or subtracting therefrom. They shall also have power to make, alter, repair, graduate. and pave all such streets, alleys, and side walks, as they shall deem necessary; to fix and establish permanent corners to lots; to borrow money on the credit of the town, and issue bonds redeemable at such time or times as they may prescribe, and pledge any of its property for the final redemption of the same; to abate and prevent the creation of public nuinances, and to define and declare what shall be a public nuisance; and for the purpose of abating and preventing public nuisances, their jurisdiction shall extend one half mile beyond the limits of the corporation; to procure a fire engine, and hose, and other apparatus; organize fire and other companies, and require the citizens to provide themselves with fire buckets; to regulate the storage of gun powder and other combustible and dangerous articles: to establish markets, and make all necessary regulations for the same; to regulate and tax sales at auction; to assess and collect an annual tax on the owner or keeper of every dog in town; to suppress gaming houses, and houses of ill-fame, and to preserve order and the public peace, by preventing and punishing intoxication, immorality, quarrelling, fighting, rioting, and other disorderly conduct in the town; and said corporation are hereby authorized to make all by-laws and ordinances, and do all other things necessary to carry the foregoing powers into effect; and shall have power to assess and collect a tax from all non-resident or transient persons selling or retailing goods, wares, or merchandize in said corporation.

SEC. 6. The powers of the corporation, for the purpose of raising a revenue, and for all other purposes, shall extend to and embrace the limits of the original plat of said town, Evan's enlargement, the

new survey of Princeton, and all such additions as have been, or may be made to said town.

SEC. 7. The corporation shall, in the month of May, in each year, appoint a lister, who shall take an oath of office, and give bond and security to be approved of by the corporation, conditioned for the faithful discharge of his duty as lister; he shall proceed forthwith, to make a fair list in alphabetical order, of all persons subject to a poll-tax, and such personal property as the corporation may direct him to list; also, all lots or parts of lots particularly noting the number, the owner's name, if known; having completed such assessment, he shall call to his assistance two freeholders, who, having been sworn faithfully and impartially to value the real property exclusive of improvements, so listed, shall with the lister, proceed to value the same; and such lister shall, on or before the first day of July next succeeding, make return to the clerk of the corporation of such list and assessment.

SEC. 8. The corporation shall in the month of July in each year, fix the amount of the poll-tax and levy a tax on the property so listed, and appoint a collector, who shall take an oath, and give bond and security to be approved of by the corporation, conditioned that he will faithfully discharge his duty and pay over all money that may come into his hands as collector, to the treasurer of the corporation; and said collector shall hold his office for one year, unless sooner removed: Provided, nothing herein contained shall prohibit the corporation from

appointing the marshall as such collector.

SEC. 9. It shall be the duty of the corporation to make out a fair list of all persons taxable with a poll-tax; with personal property, and with real property, with its valuation, setting forth the owner's name, if known, the amount of tax chargable to each person, and the amount charged on each article; and shall deliver the same to the collector on or before the first day of August annually, and certify the amount of tax contained oh such list to the treasurer; such list so put into the hands of the collector, certified by the president and attested by the clerk, shall be sufficient authority for the collector to proceed to collect the same.

SEC. 10. It shall be the duty of the collector to receive the amount of taxes due from each individual, on or before the first day of September in each year, and in all cases where the taxes assessed are not paid by that time, it shall be the duty of the collector to proceed and collect the same by distress and sale of any of the personal property of such delinquent, by giving ten days notice of the time and place of such

sale, by setting up three advertisements in public places.

SEC. 11. That in all cases where the tax due and owing cannot be made of the goods and chattles of such delinquent, it shall be the duty of the collector to make sale of the lots or parts of lots belonging to such person or so much thereof as will pay the tax and cost due, by giving twenty days notice of the time and place of such sale, in some newspaper published in said town, or, by posting up five written

notices in public places in said town; in which notice he shall particularly describe the lot or lots so to be sold by their proper number, or some other certain description, with the owner's name, if known, or the person's name to whom it is supposed to belong. The collector shall, on the day of sale, by proclamation, proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and cost due, for the smallest portion of the lot or lots; and shall give to such purchaser a certificate of such purchase, setting forth the quantity sold, the amount paid, including tax and costs, and that such purchaser will be entitled to receive a deed for the same at the end of the two years, unless the owner shall redeem the same on or before that time, by paying to said purchaser, his heirs or assigns, the amount of the purchase money with one hundred per cent. per annum thereon, or de-

posit the amount with the clerk of the corporation.

SEC. 12. That in case the owner of such lot or part of lot so sold as aforesaid, shall not pay the amount of the purchase money, with all assessments and levies subsequently made, together with the per centum and cost thereon as aforesaid, within two years from the day of sale thereof, it shall be the duty of the collector who shall then be in office, to make a deed to the purchaser, or his assigns, for such lot or part of lot; which deed, acknowledged and recorded agreeably to law. shall vest all the right and title to said lot in the purchaser, and divest the owner of any title thereto, and shall be prima facia evidence that all the proceedings up to the time of making such deed are correct and regular: and the assessment made on such lot or lots, shall be a lien on the same, in the hands of any person who may purchase the same; and no conveyance made by the owner of such lot or lots after the time of such assessment, shall so divest the owner or owners thereof, as to interfere with the title of a purchaser, under the provisions of this act. Provided. That in all cases where lots are listed and sold. and the owner's name not known, the sale shall be good and valid to the purchaser, and no misnomer shall, in any wise, operate so as to prejudice the title of the purchaser.

SEC. 13. It shall be the duty of the collector to make return of the tax list, with the proceedings thereon, to the clerk of the corporation, on or before the first day of November, annually, and then pay over to the treasurer, all money by him collected; at which time he shall furnish a list of delinquents, for which he shall receive a credit, if

deemed correct.

SEC. 14. The collector shall be allowed a fee of fifty cents for

each sale and certificate, one dollar for advertising each lot.

Sec. 15. It shall not be lawful for any person or persons within the bounds of the corporation to barter or sell by a less quantity than a quart, any spiritous or strong liquors, foreign or domestic; or keep what is commonly called a tippling house, unless such person or persons, shall, in addition to the license obtained from the board of county commissioners, obtain a license from the corporation, which is hereby authorized to grant the same to such applicant for one year, on his, her, or their paying into the treasury of the corporation, a sum not ex-

ceeding five hundred dollars, nor less than five dollars, at the discretion of the corporation; and if any person or persons shall barter or sell any spiritous or strong liquors, or keep what is commonly called a tippling house contrary to the provisions of this act, he, she, or they, so offending, shall, upon conviction thereof in an action of debt, or on the case, brought by the board of trustees, against the offender or offenders before a justice of the peace, or any court having jurisdiction thereof, be liable to pay any sum of money not less than fifty dollars, nor more than one hundred dollars, at the discretion of the court or jury trying the same—and moreover shall, upon conviction of violating the provisions of this section, by presentment or indictment, (in which indictment it shall not be necessary to recite this act.) in any court of competent jurisdiction, be fined in any sum not less than ten nor more than five hundred dollars, for the use of the county seminary.

SEC. 16. The corporation shall have power to grant a license to persons wishing to sell goods at auction; and to persons wishing to exhibit for gain, any animal, wax figure, or other natural or artificial curiosity, or any feats of horsemanship, circus riding, tumbling, vaulting, rope or wire dancing, legerdemain or ventriloquism, or any other feats or public show whatever, upon his, her, or their paying to the treasurer of the corporation a sum not less then five dollars, nor more than ten dollars; and if any person or persons shall sell any goods or articles of value, not of the growth or manufacture of this State, at auction, except sheriffs, constables, executors or administrators, or if any person or persons shall exhibit any such show or shows for gain, as are described in this section within said corporation, such person or persons so offending, shall upon conviction thereof, forfeit and pay a penalty not less than ten dollars, nor more than fifty dollars, for the benefit of said corporation.

SEC. 17. For a violation of any of the provisions of this act not otherwise provided for, an action of debt, or an action on the case may be brought in the name of the "Trustees of the Town of Princeton." And in all actions brought by them, they may require the defendant or defendants to give bail; and may join in one action as many defendants as they see proper, and if upon hearing the proof, any one or more of said defendants are convicted, judgment shall be entered in favor of said trustees against such as are found guilty. Provided, That the fact of a person residing in said corporation, shall be no objection to such person being sworn as a witness, or serving as a juror in any case in which the trustees of said town are parties.

SEC. 18. That whenever the owner or owners of any lot or lots on any street or section of a street, shall be desirous of making any improvement on the same, by graduating, graveling, or paving said streets, or side-walks thereof, or any other improvements, and two-thirds of the owners of lots on said street or section of street, by themselves or agents, representing two-thirds of the whole number of feet on each side of said street or section of street, shall by petition represent to the corporation plainly and distinctly, the improvement wanted or contemplated to be made, it shall be the duty of the corporation, to

cause the same to be done in the best and most economical manner, agreeably to the wishes of the petitioners; and the expense of such improvement shall be assessed and levied on all lots fronting on said street or section of street, equally, per foot front, for the distance such improvement may be intended to extend; which assessment and levy, from the time of making the same, shall be and remain, a lien upon said lot or lots, until the amounts so assessed and levied, shall be fully paid. It shall be the duty of the clerk of the corporation to enter such petition on record, with the petitioners' names, the number of feet front owned by each individual, the rate of expense on said lot for such improvement, and the whole amount assessed and levied on each lot or fraction of lot, which list signed by the president, and certified by the clerk, shall be sufficient authority for said collector to proceed to collect the same; and if the owner or agent of any lot or part of lot, shall neglect or refuse to pay the amount so assessed and levied within three months after such levy, the collector shall proceed to collect the same by sale of such lot or fraction of lot or so much thereof as will pay the amount so levied, and in such sale, he shall, in all respects be governed by the eleventh, twelfth, thirteenth and fourteenth sections of this act, and the right of the owner as to redemption, and the right of the purchaser as to title, shall be governed by the same rules as are prescribed in said last named sections. And in all cases where two or more persons have any lot or lots under one and the same enclosure, and either party shall desire to run a division fence on the dividing line so as to separate said lot or lots, or parts thereof, according to the interest of the respective parties, the costs and expense of such division fence shall be equally borne between the parties aforesaid. And the trustees of said town, shall, at the request of any person interested therein, estimate and value such division fence, upon such proof, as the parties or either of them may produce, one half of the amount of which estimate and valuation, may be recovered from the delinquent party, by the party entitled thereto, by action of debt, before any court having jurisdiction thereof.

SEC. 19. The proceedings and official acts of all former boards of trustees of said town, not inconsistent with the laws of this state or of the United States, are hereby legalized.

Sec. 20. All laws, ordinances, decrees, rules and regulations of a private nature, shall be in force from the time of their passage by said board of trustees; and all laws, ordinances, rules and regulations of a public nature, shall be in force from and after their publication in some public newspaper printed in said town, if any be published therein, if not, by a written copy thereof posted up at the court house door in said town: Provided, that an order of the board shall be entered on their journals after such publication, declaring such laws and ordinances to be in force; which order shall be sufficient evidence that such publication was duly made, and a transcript of any of said laws, ordinances, decrees, rules and regulations of said board, when signed and certified by the president and attested by the clerk, shall be taken and received as prima facie evidence within any court in this state.

SEC. 21. The trustees of said corporation shall annually appoint a marshal, who shall take an oath, and give bond and security to be approved of by the said trustees, faithfully and impartially to discharge the duty of his office. He shall be a peace officer, and shall have jurisdiction co-extensive with the limits of the county of Gibson, in enforcing and carrying into effect the penal laws of said corporation. In serving process in any manner relating to the laws and ordinances of said corporation, he shall have the same power, and be entitled to the same fees, as constables in like cases. It shall be his duty to report all violations of this act and of the penal regulations of said corporation, that may come to his knowledge, to some justice of the peace in said town, whose duty it shall be, to issue all proper process to carry the same into effect, and to inflict such punishment by fine, or fine and imprisonment as may be prescribed, not inconsistent with the laws and constitution of this state or of the United States: Provided nevertheless, that the marshal shall have the power, ex officio, to arrest, and carry before such justice every person or persons, who shall, in his view, violate any of the penal laws or ordinances of said corporation.

SEC. 22. This act and any law or ordinance passed in pursuance thereof, may be given in evidence under the general issue in all actions

brought against any officer of said corporation.

SEC. 23. This act shall be deemed and taken as a public act, and it shall not be necessary to recite the same or any part thereof in the pleadings in any suit brought by or against said corporation, and shall receive a liberal construction by all courts of justice in this state.

SEC. 24. The trustees of said town shall have power at any time to provide for the assessing and collecting in the manner pointed out in the eighteenth section of this act, and the sections therein referred to, special taxes for the pavement or improvement of any street, sidewalk or section thereof, or any other improvement for the benefit of said town or the inhabitants thereof, to be levied and collected in proper proportions upon the person or property especially benefitted thereby; which taxes may be collected and applied to the proper purposes by said trustees in the first instance, or if they shall so determine, not until default is made by the owner or occupant of the property, so to be benefitted in making his proper proportion of such improvement, having been thereto reasonably notified.

SEC. 25. All forfeitures and penalties imposed by any ordinance or by-law of said trustees shall enure to the benefit of said corporation and may be recovered by action of debt in any court having competent jurisdiction; and all officers defacto of said corporation, shall be presu-

med to have been legally elected and qualified.

This act shall take effect and be in force from and after its pubication.

then for such publication declaring such laws and the

# CHAPTER VII.

AN ACT to incorporate the town of New Boston, Wayne county, Indiana.

[APPROVED, FEBRUARY 15, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That William Russey, William Grimes, Stephen McWhinney, William Russey, jr., William D. Fouts, David S. Evans and Isaac Clawson be, and they are hereby appointed trustees of the said town of New Boston, to serve as such until the first Monday in March 1839, and until their successors are elected and qualified as hereinafter directed.

SEC. 2. That the said trustees at their first meeting after the passage of this act, shall elect a president from their own body, whose duty it shall be to preside at all meetings of the board, and preserve order, put all questions, and upon an equal division of the board, give the casting vote, and at the close of each meeting shall sign the minutes of the same, and the said trustees shall also, at said meeting appoint all officers necessary to carry into effect the provisions of this act, and make such compensation as to them shall appear reasonable and

right. SEC. 3. That the said president and trustees of said town and their successors in office shall be, and the same are hereby declared to be a body politic and corporate with perpetual succession, by the name and style of the president and trustees of the town of New Boston, and by their corporate name shall be able and capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of competent jurisdiction, and shall have power to make, use and have a common seal, and the same to break, alter and amend at pleasure, to ordain, order, establish and put into execution and effect such by-laws, rules and ordinances necessary and proper for the benefit and convenience of said incorporated town, and shall also have power to adopt and put in force such laws, ordinances, and regulations as they shall deem necessary for the police, good government and order of said town hereby incorporated, subject however, to the restrictions, limitations and provisions hereinafter provided, and not inconsistent with the constitution and laws of this state, or the constitution and laws of the United States. SEC. 4. That the said president and trustees or a majority of them, shall have power to lay off said town into as many wards as they may deem necessary, and on the first Monday in March, A. D. 1839, and annually thereafter, there shall be an election held at some convenient place in said town, to be designated by the said president and trustees, to elect by ballot seven trustees for said corporation, at which election each white male inhabitant of said town who shall have the

qualification of a voter for state and county purposes, and shall have

resided within the bounds of such corporation three months next preceding such election, shall be entitled to a vote at the same, ten days previous notice of which election shall be given by the president and trustees aforesaid, by publishing the same in some newspaper printed in said town (if there be one), otherwise by putting up written notices thereof, in three of the most public places in said town, designating the time and place, when and where said elections are to be holden.

SEC. 5. The president and trustees at their meeting preceding the annual elections, shall appoint an inspector of all elections, whose duty it shall be to attend the same and call to his assistance two other qualified voters, who shall be judges of said elections, and they shall appoint two clerks of the same, all of whom, after being sworn or affirmed to a faithful discharge of their duties as such, shall proceed to receive the votes between the hours of ten o'clock A. M. and four o'clock P. M. on said day: Provided however, that if the said inspector shall not be present, the electors may choose one to act in his place at such election: And provided also, that if the electors should fail to meet or president and trustees fail to give notice of any election, the corporation shall not thereby be dissolved, but the president and trustees then in office, shall continue until others, their successors, are elected at

an annual meeting of the electors.

SEC. 6. It shall be the duty of the inspector and judges of such election to certify under their hands and seals the seven persons who receive the highest number of votes, which certificate shall be filed and put on record by the clerk of the corporation, whose duty it shall be to deliver a copy thereof to each of the seven persons returned, which certificate shall be sufficient authority for such person to take his seat as a trustee. The trustees thus elected, or a majority of them, shall meet within ten days after such election, and after taking an oath or affirmation, faithfully, diligently and impartially to discharge their duties as trustees, shall elect one of their body to preside, as in the second section of this act, in case of his absence at any meeting of the board, they shall appoint a president pro tem. No person shall be eligible as a trustee, unless he is a qualified elector, and also a freeholder or householder, within the bounds of the corporation. When vacancies happen by death, resignation or otherwise, such vacancy shall be filled by appointment of the trustees until the next annual election. A majority of the trustees shall at all times form a quorum, they shall meet on their own adjournments, and appoint their officers, as in the second section of this act.

Sec. 7. It shall be the duty of the president to sign all laws, ordinances and decrees of a public nature, and also to sign the records of all their by-laws and journals or minutes of their proceedings, and at the first meeting of the president and trustees, after the taking effect of this act, and after each annual election, or as soon thereafter as may be convenient, they shall proceed to elect or appoint a clerk, a treasurer and a marshal, each of whom shall serve one year, or until their successors shall be appointed and qualified, and they shall possess the same qualifications as trustees, take a similar oath, and give bond and

security payable to the president and trustees, conditioned for the faithful discharge of their duties respectively; and on failure to perform all or any of the conditions of said bond, they and their securities shall be liable to the suit of the president and trustees aforesaid, who may assign breaches upon the conditions of said bond or other cause. and recover a judgment for any default in the discharge of the duties of such officer, together with full costs and ten per cent, damages thereon, in any court having jurisdiction of the same, and on which judgment there shall be no stay of execution.

SEC. 8. The president and trustees shall have power to levy annually, and collect a tax on real property, not to exceed one per cent. on its valuation exclusive of improvements; and on all shows, exhibitions or amusements which may be exhibited for gain, not less than three nor more than ten dollars for each exhibition, and may levy a tax on any specific article or articles of personal property, and in addition to the above, the said president and trustees may levy and collect a tax on real property not exceeding one-half per cent. on its valuation, either including or excluding improvements, at the discretion of the said president and trustees, for the purpose of purchasing a fire engine.

SEC. 9. The president and trustees shall have power to pass such laws, ordinances or decrees as may be necessary to guard against damages by fire, to organize fire companies and govern the same, to regulate the duty and conduct of the citizens of the town in relation thereto, to regulate and govern the markets, to prevent the erection of public nuisances, and remove the same, to declare what shall be considered a public nuisance, and generally to enforce by proper penalties the observance of all laws and ordinances relative to the police and

government of the said incorporated town.

SEC. 10. The limits of the corporation shall extend to and embrace the plat of the town of New Boston, including the out-lots, with any addition or additions, which have been or may hereafter be made thereto, as the same is, or may hereafter be entered on record, in the recorder's office of said Wayne county.

SEC. 11. The president and trustees shall in the month of April of each year, appoint a lister, who shall take an oath of office, and give bond and security, to be approved of by the said president and trustees, conditioned for the faithful discharge of his duties as lister, after which he shall proceed forthwith to make a fair list in alphabetical order, of all persons subject to tax, together with such property as the president and trustees may direct him to list; also of all lots or fractional lots, particularly noting the number and description thereof, the owner's name if known, and whether resident or non-resident, after having completed such assessment, he shall call to his assistance two freeholders, who having been sworn faithfully and impartially to value the real property exclusive of improvements so listed, shall with the lister proceed to value the same, and such lister shall, on or before the fifteenth day of May next succeeding, make return to the clerk of the corporation, of such list and assessment.

SEC. 12. The president and trustees shall in the month of May in each year, levy a tax on the property so listed and returned by the lister, and appoint a collector, who shall take an oath, and give bond and security, to be approved of the president and trustees, conditioned that he will faithfully pay over all moneys that may come into his hands as collector, to the treasurer of the corporation, or to such person as may be authorized to receive the same. Said collector shall hold his office one year, unless sooner removed.

SEC. 13. The president and trustees shall cause the clerk to make out a fair list of all persons taxable, with personal property, and with real property, with its valuation, setting forth the owner's name, if known, the amount of tax chargeable to each person, and the amount charged on each article, and shall deliver the same to the collector on or before the first day of June annually, and certify the amount of tax contained on such list to the treasurer, such list so put into the hands of the collector, certified by the president, and attested by the clerk, shall be sufficient authority for the collector to proceed to collect the same.

SEC. 14. It shall be the duty of the collector to receive the amount of taxes due from each individual on or before the first day of July in each and every year, and to account and pay the same over to the treasurer immediately; and in all cases when the taxes assessed are not paid by that time by any individual, it shall be the duty of the collector to proceed and collect the same by distress and sale of any of the personal property of such delinquent subject to execution by the laws of this state, by giving ten days notice of the time and place of such sale, by advertisements, set up in three of the most public places in said in-

corporated town.

SEC. 15. In all cases where the tax due and owing, cannot be made of the goods and chattels of such delinquent, it shall be the duty of the collector to make sale of the lots or fractions of lots belonging to such person, or so much thereof as will pay the tax and costs due thereon, by giving twenty days notice of the time and place of such sale in some weekly newspaper published in said town, or by posting up five written notices in the most public places in said town, in which notices he shall describe the lot or lots to be sold by their proper number, or some other certain description, with the owner's name, if known, or the person's name to whom it is supposed to belong, and file one of said advertisements with the clerk of said corporation. The collector shall on the day of sale, by proclamation proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and costs due, for the smallest portion of the lot so offered for sale, and shall give to such purchaser a certificate of such purchase, setting forth the quantity sold, the amount paid, including tax and costs; and that such purchaser will be entitled to receive a deed for the same at the end of two years, unless the owner, or some person for him, her, or them shall redeem the same on or before that time, by paying to said purchaser, his, her, or their heirs or assigns, the amount of the purchase money, with one hundred per cent. thereon, or deposite the amount with the clerk of the corporation, whose duty it shall be to make an exhibit of the same to

the president and trustees at their next meeting, which, if correct, shall be entered on record: Provided, however, that nothing in this act shall be so construed as to contravene any of the provisions of an act to pro-

vide a fund for common schools, approved Feb. 2d, 1832.

SEC. 16. In case the owner of any lot or fraction of lot so sold as aforesaid, his, her, or their agent or attorney shall not pay the amount of the purchase money with the per centum thereon as aforesaid, within two years from the day of sale thereof, it shall be the duty of the collector then in office, to make a deed to the purchaser, his, her, or their heirs or assigns for such lot or fraction of lot, which deed acknowledged and recorded agreeably to law, shall yest the right and title to said real estate in the purchaser, his heirs or assigns, and divest the owner, or owners, of any title thereto, and the assessment made on such lot or lots, shall be a lien on the same in the hands of any person who may purchase the same at private sale, and no conveyance made by the owner of such lot after the time of such assessment, shall so divest the owner thereof of the title to said lot as to interfere with the claim of a purchaser under the provisions of this act: Provided, that in all cases where lots are listed, and the owner's name not known, such sale shall be valid and good to the purchaser.

SEC. 17. The collector may adjourn his sale from day to day, for three days, and if at the final adjournment of his sale at any time, any lot or lots should remain unsold for want of buyers, he shall make return thereof, and the amount of tax and costs shall remain as a lien upon such lot or lots, and shall be added to the next year's assessment, together with one hundred per cent. thereon. The collector shall be allowed a fee of fifty cents for each sale and certificate, and the expense

of avertising the same.

SEC. 18. It shall be the duty of the collector to make return of his proceedings, and the sales made, to the clerk of the corporation on or before the first day of September annually, and pay over to the treasurer all moneys by him collected, at which time he shall furnish a list of delinquents, for which he shall receive a credit, if deemed correct and true.

SEC. 19. All bonds given by the officers of the corporation, and all the contracts entered into with the corporation shall be in the name of the president and trustees of the town of New Boston, and all suits commenced for the benefit of the corporation, or where the corporation shall be defendant, shall be in the name of the president and trustees of the town of New Boston, without setting forth the name of any member thereof.

SEC. 20. It shall not be lawful for any person or persons within the bounds of the corporation to sell by less quantities than one quart, except for the use of the sick, any spiritous liquors, foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons shall, in addition to a license obtained from the board of county commissioners, or the board doing county business, obtain a license from the corporation, who is hereby authorized to grant the same to such applicant for one year or less at one time, on his, her, or their paying into the treasury of the corporation, a sum not less than three nor more than fifty dollars, at the discrection of the president and trustees of said town. And if any person or persons shall sell and spiritous liquors or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she, or they, so offending, shall upon conviction thereof, in an action of debt, or on the case, brought by the president and trustees against the offender or offenders, before a justice of the peace or any court having jurisdiction thereof, recover any sum of money not more than twenty, nor less than three dollars for any violation of this section, and shall on conviction thereof by presentment or indictment (in which indictment it shall [not] be necessary to recite this act) in any court of competent jurisdiction, be fined in any sum not more than fifty, nor less than five dollars, for the use of the county seminary. And for the better regulation of the peace and good government of the town, the said president and trustees are hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting, or whatever way detract from the peace and good order of society, and for the purpose of carrying into effect the provisions of this act, the said president and trustees are hereby authorized to appoint a marshal for that purpose, who shall take an oath of office and be a peace offi-

SEC. 21. Whenever the owner of any lots, on any street or section of street, shall be desirous of making any improvement on the same by grading, gravelling, or paving said street or side walks thereof, or any other improvement on the said street or side walks; two thirds of the owners of lots on said street or section of street by themselves, their tenants or occupants thereof, representing two thirds of the whole number of feet on each side of said street, or section of street, or two thirds of the whole number of feet on one side of any side walk, and shall by petition represent to the president and trustees of said incorporation, plainly and distinctly the improvement wanted or contemplated to be made, it shall be the duty of the president and trustees to cause the same to be done in the best and most economical manner, agreeably to the wish of said petitioners, and the expense of such improvement shall be assessed and levied on all the lots fronting on said street or section of street, equal per foot for the distance such improvement may be intended to extend; which assessment and levy from the time of making the same, shall be and remain a lien upon said lot or lots, until the amount so assessed and levied shall be fully paid and discharged. It shall be the duty of the clerk of the corporation, to enter such petition on record with the petitioners' names, the number of feet front owned or represented by each, and shall make out and deliver to the collector a list of the owners' names, the number of feet front owned by each individual, the rate of expense on each lot for such improvement, and the whole amount assessed and levied on each lot or fraction of lot; which list signed by the president and certified by the clerk, shall be sufficient authority for the collector to proceed and collect the same, and if the owner or occupant of any lot, or part of lot, shall neglect or refuse to pay the amount so assessed and levied, within three months after such levy, the collecttor shall proceed to collect the same by sale of such lot, or part of a lot, or so much thereof as will pay the amount so levied, and in such sale and conveyance to the purchaser thereof, he shall in all respects be governed by the fifteenth and sixteenth sections of this act, and the right of redemption shall be the same as is provided by the fifteenth section of this law; and if any such lot or fraction of lot shall not sell for want of buyers, or any other legal cause, the same may be re-offered by such collector from time to time until the same shall be sold, adding the costs that may accrue at each time for advertising, &c. and the collector shall be entitled, in addition to the cost of advertising, to the same fee for such sale as he is allowed in the seventeenth section of this act for making sale and certificate, and for making a deed to any real estate sold under the provisions of this act, the collector making the same, shall be allowed fifty cents, and twenty-five cents for having the same acknowledged, to be paid by the person receiving said deed.

SEC. 22. All laws and ordinances passed by the president and trustees, of a public nature, shall be published either in a newspaper, printed in the town, or by setting up in three of the most public places in the corporation, written copies thereof, ten days before the same shall be in force; and it shall be the duty of the president and trustees in the month of March, in each and every year, to cause a full statement of all receipts and expenditures for the past year to be published, by posting up two copies thereof in public places in the corporation, or by publishing the same in some newspaper printed in town.

This act shall take effect and be in force from and after its passage.

### CHAPTER VIII.

AN ACT to incorporate the Town of Laporte, in Laporte County.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That from and after the organization of the powers, and authority hereinafter specified, the powers, rights and privileges, granted by the General Assembly of this State, or arising therefrom, than hereinafter reserved, shall cease and determine, and the said town of Laporte be governed as follows:

SEC. 2. The said town shall be bounded as it now is under the general act of incorporation; *Provided*, however, That a majority of all the legal voters within the provisions of this act may at any time hereafter, make such alterations in said bounds, as they may deem expedient.

SEC. 3. All free white male citizens of this State, of the age of

twenty-one years and upwards, residing within the limits of the town, assessed for and having paid a town tax, shall be taken and deemed citizens thereof, and shall enjoy all the rights and privileges arising under this act.

SEC. 4. The officers of the town shall consist of two burgesses, to wit: a first and second burgess, thirteen members of council, one high constable, one treasurer, one clerk, one assessor, and such other officers as may be deemed necessary by the corporation to carry into effect the powers hereby granted: Provided, That no person shall be eligible to the office of burgess, member of council, treasurer, high constable or assessor, who shall not at the time of his election, be a citizen of this State, and a freeholder and resident in said town.

SEC. 5. That the said burgesses and borough council of the said town, and their successors, forever hereafter, shall be one body politic and corporate, in deed and in law, by the name and style of "The Burgesses and Borough Council of the Borough of Laporte," and by that description and name shall be, and are hereby made able and capable in law, to have, take, purchase, receive, possess, enjoy, and retain, to them and their successors, lands, tenements, goods, chattels and effects, of what kind, nature, or quality soever; and the same to sell, grant, demise, alien, or dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter, and renew at their pleasure; and generally shall have and enjoy all the privileges and franchises, incident to a corporation or body politic.

SEC. 6. The burgesses, members of council, high constable, treasurer, and assessor, shall be elected annually on the first Monday of May, except the first election under this act, which shall take place the tenth day after the adoption of this charter; provided, it be adopted; and the officers elected at such first election, shall be and continue in office until the first Monday in May next succeeding, and no longer,

unless re-elected.

SEC. 7. Any person duly elected to the office of burgess as aforesaid, who shall neglect or refuse to serve as such, within the said borough, shall forfeit and pay any sum not exceeding twenty dollars; and each and every person elected as aforesaid, to the office of member of the council, who shall neglect or refuse to serve as such, shall forfeit and pay any sum not exceeding fifteen dollars. And each and every person elected to serve as high constable, treasurer, or assessor to the said borough, who shall neglect or refuse to perform the duties of the said respective offices, shall forfeit and pay any sum not exceeding ten dollars; and the amount of all fines accruing thereby, shall be recovered for the use of said borough, as other debts of like amount are recoverable in this State: Provided, That no person or persons shall be liable to a fine or fines, for any two years in succession, for neglect or refusal to serve in any of the offices aforesaid.

SEC. 8. The burgesses and members of council, shall constitute the legislative body for the said borough of Laporte, and shall be denomin-

ated when assembled, the "Borough Council." The sittings of this council shall be public. In this assembly, the first burgess, or in case of his absence, the second burgess shall preside and keep order, subject to such rules and regulations as may be established by ordinance of the borough council: nine members shall constitute a quorum, to do and transact all manner of business arising under this act: Provided, That no ordinance shall pass the council, unless the same shall have the concurrence of a majority of all the members of the borough council, and have had at least two readings at a previous stated meeting or meetings thereof; nor shall any ordinance that may hereafter be passed by the said borough council, be repealed, unless notice shall have been given and entered upon the minutes of the council at a stated meeting thereof, that at the next succeeding stated meeting a motion would be made for the repeal thereof; nor shall any ordinance go into operation and take effect, until two weeks after the said ordinance shall be published in three at least of the most public places in said borough.

SEC. 9. A majority of voices in the council shall determine and decide upon all questions that may come before it; and when it shall be required by two members, the yeas and nays shall be taken and entered upon the minutes; and all elections for any officer or officers shall be by ballot, and a majority of all the votes of the members of the council

shall be necessary to an election.

SEC. 10. The burgesses of the said borough shall constitute the executive power thereof, and shall be, and they are hereby constituted conservators of the peace within the same, and authorized, empowered, and required to do and to execute all those matters and things in the said borough of Laporte, which justices of the peace in the said county of Laporte, may and can lawfully do; and shall further be invested with authority, in all lawful cases, to commit to the common jail of the county; and in like manner, on complaint made by any two house keepers, they shall have power to disperse or commit as aforesaid. any collection of minors who may be assembled by night or by day in any of the streets, lanes, or alleys in the said borough, unless they have with them the written permission of their parents, masters, or guardians, but such permission shall in no wise protect such minors from commitment and prosecution, for any overt act charged against them: and the said first burgess shall have the custody of the seal of the said borough, and the right of affixing the same.

SEC. 11. The borough council constituted as aforesaid, shall have power to enact ordinances to preserve the health of the borough, and to prevent the introduction of contagious diseases; and for this purpose their jurisdiction shall extend to any distance, within one mile of the same, (of the boundaries of the same,) and by ordinance may organize a board of health for the said borough, which board shall be vested with all the powers and authorities which the council might or could exercise relative to the object of their institution; and the said borough council may pass ordinances to define, prevent, and remove nuisances, (whether in the public streets, lanes, alleys, or elsewhere,) in the said borough; to provide night watches and

erect lamps; to ascertain the boundaries of streets, lanes, and alleys, and establish new ones; to alter, repair and amend all streets, lanes, and alleys within the said borough, making adequate compensation to the parties injured, to be ascertained by three men, or a majority of them, to be appointed by the Laporte circuit court, upon the application of the corporation, or of the party complaining: Provided, That nothing in this act shall be so construed as to authorize the widening or the location in anywise of the streets, lanes, and alleys now recorded in the clerk's office of the county of Laporte, and forming the present plat or plats of the town of Laporte, aforesaid; to provide for the regulation of auctions and auctioneers; to provide for the safe keeping of standards of weights and measures, and for the infliction of penalties on those who use false weights or measures; to license, regulate, and restrain theatrical and other public exhibitions, shows, and amusements; to restrain and prohibit gambling; to license retailers of spiritous liquors: Provided, The sum required by the borough council aforesaid, shall not exceed the amount which the board of county commissioners, (or other persons doing the county business,) are limited by the laws of this State to demand for license for the retailing of spiritous liquors in the said county of Laporte; to establish fire, hose, and bucket companies: to fix and declare the weight of bread, and size of brick; to regulate the cordage of wood and bark, and declare and determine what may (of the same,) be deemed merchantable; to appoint wood corders and establish their fees; to regulate party walls; to erect market houses, regulate the same, and appoint the times and places of holding markets; to regulate the public sale of horses; to regulate the sweeping of chimnies and establish the rates; to erect pumps, or any other apparatus for supplying the borough with good and wholesome water; to repair and amend the same, and assess and receive a tax therefor; to appoint gaugers and inspectors of liquors, flour inspectors and inspectors of salted provisions, and inspectors and measurers of lumber, and to establish their fees; to provide for the weighing of hay, and for the measuring or weighing of lime, coal, grain, or any other matter sold in the said borough; to regulate the storage of gunpowder or any other combustible matter; and the said council shall have the power of fining venders of spiritous liquors when they illegally vend the same within the borough: Provided, The penalty for each offence shall not exceed five dollars; they shall have power to lay and collect fines on the owner or owners, harborer or harborers of any dog or dogs, which may be found at large in any of the streets, lanes, or alleys of the said borough; they shall have power to assess and collect a tax on the owner or owners, harborer or harborers of a dog or dogs, in the said borough; they shall have the power to appoint and commission constables, who shall possess like powers within said borough, as are possessed by the constables of the aforesaid county; and in general, shall have power to do and perform all those matters and things, for the well being of the said borough which shall not be in contravention of any existing law or laws of this State, or the constitution thereof.

SEC. 12. The said borough council shall have full power and au-

thority to enforce their ordinances in all cases whatsoever: Provided, That no fine, penalty, or forfeiture shall be inflicted on any one person for a breach of any one of their ordinances, for more than ten dollars, (except as herein otherwise provided for,) for every time he or she shall so offend; which sasd penalties and all the fines, penalties and forfeitures inflicted by the said borough, through, in, or by virtue of this charter, may be collected and recovered before any justice of the peace, for and in the said county of Laporte, by action of debt according to law; and the same when so recovered shall be appropriated to

the use and benefit of the said borough of Laporte.

SEC. 13. Any person or persons duly convicted of the violation of any ordinance of the borough council aforesaid, and refusing to satisfy the amount of the penalty and costs for which the judgment shall be rendered against him, by paying or replevying the same, shall be committed for forty-eight hours to prison, and such imprisonment shall not be deemed a satisfaction of such judgment and the amount of the same may be collected as other like judgments in civil cases are collected. such imprisonment to the contrary notwithstanding; and it shall be a part of the judgment for all violations of any ordinance of the borough aforesaid, that the person violating such ordinance shall immediately pay and satisfy or replevy the same, or shall in default thereof be committed to the said prison of the said borough for the term of forty-eight hours: and on all judgments for a violation of any ordinance of the said borough council, on good and sufficient security being given for the payment of the same, there shall be a stay of execution for sixty days: Provided, that nothing herein contained shall prohibit or prevent the first burgess, or in case of his absence or inability to act the second burgess, from discharging such person or persons so committed as aforesaid, shall have remained in such prison twenty-four hours: Provided also, that any person or persons violating any ordinance of the borough council aforesaid [and duly convicted thereof may be discharged] upon giving his bond with security for double the amount of the judgment rendered against him to the justice rendering such judgment, such bond being made payable to the "burgesses or borough council of the borough of Laporte," conditioned that the said person so convicted as aforesaid, will within sixty days of the date of such judgment work out the amount of such judgment upon the streets, lanes and alleys, in the said borough (as the proper authorities of the said borough may direct) at the rate of fifty cents per day, and in case the said person so convicted as aforesaid shall work out the amount of such judgment in accordance with the condition of said bond, he shall be forever discharged from such bond and judgment; and the borough aforesaid shall be liable for the costs of obtaining said judgment, and in case the person or persons so convicted, and giving bond as aforesaid, shall neglect or refuse to comply with the condition of said bond, so given as aforesaid, the bond shall be adjudged forfeited, and the penalty thereof shall be collected from the obligors as other debts of like amount are collected, by action of debt at the suit of the "burgesses and borough council" of the said borough; and the said borough shall not be accountable for the costs of the said trial unless it receives

the amount of said costs from the obligors, or either of them in said bond, and in addition to the liability of such person or persons (so convicted as aforesaid,) to such action on such bond, such convicted person or persons shall be liable to be arrested on such judgment, and committed to prison in like manner as though such bond had never been

given.

SEC. 14. The said borough council shall meet on the first Tuesdays in May in each and every year, or within ten days of the same, and estimate and fix the sum or sums of money necessary to be raised on the persons or estates in said borough for the public uses of the year ensuing; and thereupon the first burgess, and in case of his absence or inability, the second burgess, shall issue his precept counter signed by the clerk of the council, directed to the assessor of the said borough, requiring him within sixty days thereof, (from the date thereof,) to make out a true and impartial list of all persons and estates within the limits of said borough, together with the sum or sums of money in dollars and cents, it shall appear to him the said persons or property ought to be rated at; assessments on property shall be made according to the annual interest at six per centum, the several properties would probably produce on the amount, or the estimated value thereof if sold for ready money; and the said list and assessment shall be laid before the council to be examined, and being approved, a fair copy or copiesthereof shall be made out by the council (or the clerk thereof,) and published for the information of all concerned, for at least two weeks previous to the time, then to be appointed for holding a court of appeals (of which notice shall be given as aforesaid) and the said council shall be, and they are hereby constituted a court of appeals for the hearing and redressing of such persons as may deem themselves aggrieved, with power in concurrence with the assessor, to assess such as may have been left off the list: Providid, notice thereof shall have been given to the person or the representative of an estate so assessed, so that he, she, or they may have an opportunity of appearing before the court of appeals; and after the said council shall hold a court of appeals as aforesaid, they shall estimate and fix how many cents to the dollar will be necessary to raise the sum or sums of money so required as aforesaid, and the clerk shall thereupon make out or cause to be made out, a true list agreeably to the proceedings aforesaid, certify the same under his hand and the seal of the said borough, and deliver the same into the hands of the collector within ten days from the time the dollarage was laid as aforesaid, with an order under the hand of at least one of the said burgesses, and two of the said council (which they are hereby authorized to make) requiring the said collector forthwith to collect and receive the several sums in the said list mentioned, from the persons and estates assessed; and in case any person or persons so rated and assessed by virtue of this act, shall neglect or refuse to pay the sum or sums so assessed, for the space of six days after demand made, the said collector shall by a warrant, under the hand and seal, (or scrawl,) of one of the burgesses for that purpose, (which he is hereby authorized to grant) levy the same by distress and sale of the delinquent's goods and chattels, rendering the surplus (if any) after reasonable charges (to

be affixed by the council aforesaid,) deducted to the owner or owners thereof; but if no distress can be found by the collector, and the party refuses to show said collector goods and chattels of his own forthwith, to satisfy the money due, with reasonable charges, [then] the said collector shall make return on oath or affirmation, of such want of goods and chattels, to the person to whom such warrant is returnable, and the first or second burgess on such return being made, shall and may, by warrant under his hand and seal, commit the said delinquent to the common jail of the county aforesaid, there to remain until discharged by due course of law; or the same may be levied of the goods and chattels of any of the said delinquent's tenants (if any he or she may have) and the delinquent shall be obliged to discount the sum or sums so levied on the goods and chattels of such tenant or tenants, out of the first rent or rents that shall afterwards accrue from such rented estate or estates; and in case any grounds, buildings, or estates belonging to a minor or minors, or absent person or persons, then the same shall be recovered from the person or persons having the care of such grounds, building or estate, and the receipt of such collector shall be a good voucher to all executors, administrators, guardians, trustees, attorneys or agents, against their principal; and when any owner or owners of any grounds, buildings or estate, or their executors, administrators, guardians, trustees, attorneys or agents, cannot be found, and they shall neglect to pay the assessment as aforesaid, then it shall and may be lawful for either of the said burgesses to issue his warrant, authorizing the said collector to levy the same on the grounds, buildings or estate of such absent owner or owners, minor or minors, and the said collector is hereby authorized to sell the same at public auction, for the shortest space of time in which the rents and profits will satisfy the said debt and costs; all which said several sums of money, when collected, the said collector shall pay over without delay to the treasurer of the said borough: Provided, nothing herein contained shall authorize the assessor to assess or the collector to collect any tax or taxes upon any grounds in tillage, grass, vacant or wood, within the limits of the said borough, until the said grounds shall be improved by buildings, or laid off and offered for sale as town lots; and no town lots shall be laid off and offered for sale in the said borough (as town lots) until a plat of the same shall be recorded in the clerk's office of the county aforesaid, and a copy of said plat furnished the said borough council; this proviso in no wise affecting or relating to the town lots at present laid off, and a plat thereof recorded in the office of the clerk of the said county.

SEC. 15. The high constable, and the officers appointed by the borough council, shall assist the burgesses in carrying into effect the ordinances of the borough council, and shall perform such duties as are prescribed by this charter, and may be prescribed by ordinance

or ordinances of the borough council.

SEC. 16. The treasurer of the said borough shall give security in double the amount that may probably come into his hands, for the true and faithful performance of such duties as may be ordained; and all constables and collectors appointed under or by virtue of this charter,

shall give bond and security, to be approved by the burgesses of the borough, for the faithful discharge of their duty.

SEC. 17. The assessor shall perform such duties other than those before mentioned, as may by the said borough council be ordained for

the better performance of the duties of his office.

SEC. 18. Every officer elected or appointed under this act of incorporation, before he enters upon the duties of his office, shall take an oath or affirmation, (before some person duly authorized to administer the same,) to support the constitution of the United States, and the constitution of the state of Indiana, and that he will perform the duties of the office unto which he hath been elected or appointed, with fidelity.

SEC. 19. The salaries, fees, or emoluments of the officers of this corporation, shall be established by ordinance: Provided, no salary, fee, or emolument of any officer shall be augmented or reduced, for orduring the period of service for which he may have been elected or appointed; but no ordinance establishing the salaries, fees, or emoluments of any elective officer, shall at any time take place and effect, previous to the annual election then next ensuing, and unless it shall have been published, with ayes and noes thereon, at least two weeks before the said election.

SEC. 20. The borough council shall meet at least once a month, at such time and place, as may from time to time be agreed upon. Special meetings may be called by the 1st burgess upon his own motion, or shall be called when five members of the borough council may

request or demand a meeting.

SEC. 21. In case of the death, absence, resignation, or refusal to act of either of the burgesses, any member of the borough council, treasurer, or assessor, or either of them, the members of council who meet, shall have the right of apppinting a president pro tempore; and the presiding member at a stated meeting or special meeting of the borough council, shall issue his writ by order of the borough council, to the high constable, or in case of his death, absence, resignation or refusal to act, to a high constable, to be appointed by the council to act protempore, requiring him to hold an election at the time and place therein specified, to fill up the vacancy or vacancies occasioned by such absence, death or deaths, resignation or resignations, refusal or refusals; and the said high constable shall give notice, for at least two weeks previous to the time in said writ mentioned and appointed for holding such election, that an election will take place and be held at the time and place mentioned in said writ, for the purpose of filling up the vacancy or vacancies occasioned as aforesaid; which election shall be conducted as well as all elections, by the said high constable, and make returns thereof as may be directed by ordinance: Provided, that all elections shall be opened between the hours of ten and twelve o'clock in the forenoon, and closed at six o'clock in the afternoon of the same

SEC. 22. In all cases where the presence or act of the first burgess is demanded or required to do or perform any act or duty or duties, or oth-

erwise, when he shall neglect or refuse, or be incapable of attending to the same, his place shall be supplied by the 2d burgess; and in case of his refusal, neglect, or incapacity, by one of the members of the borough council, selected for that purpose by the said council, to act pro tempore, who shall exercise all and every the duties and powers of the 1st burgess, until one of the burgesses first elected, shall be able and willing to act, or a new election can be held as aforesaid.

SEC. 23. The 1st burgess shall be qualified into office by any justice of the peace of the said county of Laporte, and when thus qualified, shall within ten days after the time of such qualification, issue his writ, directed to the high constable, requiring him to summon the 2d burgess, the members of the borough council, the high constable, the treasurer, and the assessor, chosen at the late election, to be and appear at a certain time and place in the said writ mentioned, for the purpose of being qualified into their respective offices; and upon failure thereof, he or they so failing to attend as aforesaid, shall forfeit and pay such penalties as may by ordinance of the borough council be established; and the said burgesses or either of them, (being qualified into office,) may and shall administer the necessary oath or oaths, affirmation or affirmations, (upon being thereunto required by the borough council,) to any of the other officers of the said corporation.

SEC. 24. All fines and forfeitures accruing, and penalties and imprisonments to be inflicted under this act, or by any ordinance of the said borough of Laporte, may be recovered before, and inflicted and adjudged by either of the burgesses aforesaid, in the name of the said borough, any thing in this act contained to the contrary notwith-

standing.

SEC. 25. In case it should happen that the election day should pass over without an election being held, or in case of the omission of the execution of any power or authority delegated by this act, the powers of the said corporation shall not cease, but the authority of each and every officer thereof shall continue until a new election can be legally held, by the resolve of the council, and notice as aforesaid, and the officers chosen thereat duly qualified to act: Provided, at the first meeting of the council, a writ shall be directed to be issued as aforesaid in the cases of vacancies; but if it shall happen that the first burgess chosen as aforesaid, shall fail to present himself to a proper officer to be duly qualified for a longer period than five days after his election as aforesaid, the governor of the state of Indiana may, and shall appoint another suitable person in his room, who shall be invested with all the power and authority which the said first burgess, duly elected, might or could have exercised.

SEC. 26. And be it further enacted by the authority aforesaid, That all the powers, privileges, rights, and jurisdictions granted to the inhabitants of towns seeing proper to incorporate themselves under "an act providing for the incorporation of towns," approved February 10th, 1831, not hereby supplied, shall be, and the same are hereby extended and conferred upon the said "burgess and borough council of the borough of Laporte," and the said act approved February 10th, 1831,

so far as its provisions relate (or might by a regular and legal incorporation of the said town of Laporte under said act relate,) to the said town of Laporte hereby amended or supplied so far as the same relates to the said town(or might as aforesaid relate) hereby amended or supplied, and no more, shall be, and they are hereby repealed, made null and void as to the said town of Laporte.

SEC. 27. And be it further enacted, That the first election held under this law, shall be held and conducted as may be directed by resolve of the present acting "president and trustees of the town of Laporte," (be the same acting president and trustees of the said town legally authorized to act as such, or the said town or inhabitants thereof legally incorporated under the said general "act providing for the incorporation of towns," approved the said February 10th, 1831 or not,) and a return of said election shall be made to the said acting "president and trustees of the said town of Laporte, as they may direct, and the said acting president and trustees shall immediately publish, or cause to be published the result of said election. And in all elections to be held by the citizens of the said town of Laporte, under and by virtue of this act, a plurality of votes shall govern, and the votes shall be given and received by ballot.

SEC. 28. And be it enacted, That within sixty days after the passage of this act, a meeting of the citizens of the said town of Laporte shall be called, and this act or charter shall be submitted to the said meeting for their acceptance or rejection; and if it shall appear that a majority of said meeting is in favor of an acceptance of it, such acceptance shall be certified by the chairman and secretary of said meeting, and the said certificate shall be deposited in the office of the secretary of state, and a copy of the said certificate shall be furnished the clerk of the said county of Laporte, whose duty it shall be to make a record of the same: Provided, that the concurrence of two thirds of the qualified voters of the said town of Laporte, voting on the subject shall be necessary to the acceptance of this charter.

SEC. 29. And be it further enacted, That this act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such by all courts, judges, and justices, and by all other persons whatsoever, without the same being specially pleaded.

#### CHAPTER IX.

AN ACT to incorporate the Mayor and Common Council of the town of Delphi.

[APPROVED, EEBRUARY 17, 1838.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That William Crooks, James Crumley, Alfred Ramey, Aaron Dewey, Ambrose Phelps, and their successors in office shall be and they

are hereby constituted and declared to be a body corporate and politic by the name and style of the mayor and common council of the town of Delphi, and by said corporate name shall be forever able and capable in law and equity to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and be answered unto, defend and be defended in all manner of suits, actions, plaints, pleas, causes, matters and demands of whatsoever kind or nature they may be, in as full and effectual a manner as any person or pesons, body corporate or politic, may or can do, to make and use a common seal and the same to alter, break, change or renew at pleasure, and shall have all the incidental powers necessary to carry into effect the provisions of this act, and the objects herein contemplated, not inconsistent with the laws and constitution of this State or of the United States.

SEC. 2. The corporate limits of said town shall include all the territory extending for one half mile in each direction from the centre of the court house in the town of Delphi, in Carroll county: Provided, the southern limits of said corporation shall not extend beyond the south bank of Deer creek, and shall also extend over the Wabash river in front of all additions now laid off or hereafter to be laid off to the town of Delphi, and shall also include all additions which are now or may hereafter be laid off to the town of Delphi, by whatever name they may be called, shall now or so soon as laid off constitute a part of said corporate town. The said mayor and common council shall have ower, pfrom time to time to lay off said corporate territory, into such number of wards, as may be convenient; and on the first Monday in September next, and annually thereafter, there shall be an election held at some convenient place in each ward, to be designated by the corporate authority of said town, to elect by ballot. a mayor and common council for said town, the electors of each ward voting for a mayor, a resident of the said town, and for such number of common councilmen, resident in such ward as the mayor and common council may prescribe, at which election, each voter having the qualifications necessary to vote for state officers, who shall have resided for six months next preceding such election within the corporate limits of said town, shall be entitled to vote; ten days previous notice of which election shall be given by publication to be made in such manner as the mayor and common council may direct. The election shall be conducted by an inspector, in each ward, having the qualifications of a voter therein, to be previously appointed by the mayor and common council, which inspector shall select two qualified voters of his ward to act with him as judges of such election; they shall appoint a clerk. and having taken an oath or affirmation, which oath or affirmation may be administered by said inspector, to said judges and clerks and by one of said judges to saie inspector, faithfully to discharge their respective duties as judges and clerks, shall proceed to receive votes as aforesaid, between the hours of ten o'clock A. M. and four o'clock P. M. on said day. The judges shall determine the qualifications of voters, for which purpose the inspectors shall administer to the voter the necessary oath. If no inspector shall be present at the hour for opening such election, the voters present shall elect one viva voce, to act as inspector

in manner aforesaid. It shall be the duty of the said judges in their several wards, to certify in words at full length within three days after such election, to the mayor and common council, under their hands, the names of all the persons voted for, as mayor with the number of votes they respectively received, and the names of the persons (to the number to be elected,) receiving the highest number of votes for common councilmen, which certificate shall be filed and spread at full length upon the records of said corporation, and the persons receiving the highest aggregate number [of] votes for mayor in all the wards of said town, shall be deemed to be legally elected to said office, and the persons so certified by the judges as having received the highest number of votes, for common councilmen, shall be deemed duly elected for the term next to ensue, and shall receive from the clerk of the corporation a certificate of their election. In case there should be a tie between any persons at said elections, the result shall be determined by lot, to be drawn by the judges in their several wards, in case of common councilmen; and by the mayor and common council in the case of mayor. No person shall be competent to be elected mayor unless he be at the time a qualified voter of the ward for which he is elected. When a mayor is elected as aforesaid, the clerk of the corporation shall certify the fact to the clerk of the circuit court of Carroll county, who shall immediately forward a certified copy of the same to the office of the Secretary of State.

SEC. 3. The term of office for the persons named in the first section of this act, shall continue until their successors are appointed at the first election as above provided for and qualified. They shall elect one of their number to serve as mayor, and their successors shall respectively serve, the mayor for the term of two years, and the members of the common council for one year from the time of their election, and until a quorum of their successors are elected and qualified. A failure to elect a mayor and common council at any annual election, shall not dissolve the corporation, but the persons then in office shall continue until an annual election happens. The members of the common council, before entering upon their duties shall take an oath or affirmation, faithfully, diligently and impartially to discharge their respective duties; and the mayor shall take a similar oath, and to support the constitution of the United States and the constitution af the state of Indiana, a certificate of which oath shall be filed and recorded by said corporation, and in the case of the mayor, with the clerk of the circuit court of said county. The mayor shall preside at all meetings of the board, or in case of absence, a president pro tempore may be elected. When vacancies happen either in the office of the mayor or common councilmen, by death, resignation, removal, refusal to qualify or otherwise, such vacancy may be filled by the appointment of the remainder of the board. A removal of residence from the corporate limits of the town, shall be deemed to vacate the office of mayor or common councilman. A majority of said board shall at all times form a quorum; they shall meet on their own adjournments or by the appointment of the mayor, or any three of the common councilmen, in cases of emergency. They shall appoint a clerk, marshal and all other officers and servants necessary to carry into effect the powers conferred by this charter, who shall be subject to the rules prescribed by the corporation, and hold their offices during the pleasure of the mayor and common council.

SEC. 4. The mayor and common council shall have power to ordain, order, establish and put in execution, such by-laws, ordinances, and regulations, as to them may seem necessary for the good government and police of said town, not inconsistent with the laws of the United States or of this state; to keep in repair and remove any obstructions in the streets, alleys, public square, and commons in said town; to declare what shall be deemed nuisances, and to prevent and remove the same, for which purpose their jurisdiction shall extend for one mile in each direction from said court house; to regulate fire companies, to restrain and prohibit gambling, breaches of the peace, or any disorderly conduct, to establish and regulate market houses and markets, to sink and keep in repair public wells: to establish the grade of streets; to construct docks, piles, basins, and wharves, and to regulate the manner of payment and collection of wharfage; to make all necessary quarantines or other regulations for the preservation of the public health; to possess and regulate a public burying ground, within or beyond the corporate limits of said town, to regulate the place of interment therein, and to enact such laws and regulations, and exercise such powers as may be necessary to carry into effect the objects herein contemplated, or as are usually exercised by similar corporations. They shall keep a journal of all their proceedings, which shall be signed by the mayor, or president pro tempore, and attested by the clerk; on the decision of any question, the ayes and noes may be demanded by any two members, and shall be recorded; and a majority of all the members of the common council present shall be necessary to determine any question.

Sec. 5. Upon any question to be decided by said board in its corporate capacity, the mayor shall have no vote. No ordinance or bylaw of a public nature, shall take effect until a copy thereof attested by the signatures of the mayor and clerk, shall have been published two weeks successively in one of the public newspapers of said town; or by being posted [up] ten days, in one public place in each of the wards of said town, the fact of which publication having been entered upon the records of said corporation, shall be prima face evidence in all courts and elsewhere, that such publication was made. All ordinances and by-laws of a private nature shall be in force from their passage, or from such determinate period as such ordinance or by-law may prescribe, without publication. It shall not be necessary to authenticate any ordinance or by-law under the seal of the corporation, and the existence of any such ordinance or by law or of any other act, or order of said corporation, may be proved by a written copy thereof taken from the records of the corporation, certified by the mayor, and attested by the clerk, under the corporate seal.

SEC. 6. The said mayor and common council shall have full power

and authority to assess and cause to be collected, from each male inhabitant of said town, of full age, sane and not a pauper, each year a poll tax, not exceeding that assessed for county purposes, and a tax on real and personal property, of any and every description, and also a tax on any business, trade or occupation or profession, on all shows, exhibitions, and amusements which may be exhibited or performed for gain, a tax for each performance or for any determinate period, and to provide for the collection of such taxes, by distress and sale of the property liable to such taxation or belonging to the person so taxed, in such manner as the said corporation may order or direct, but no lands shall be sold for the taxes due thereon, except in the manner hereinafter authorized. They shall have power at any time to provide for the assessing and collecting in manner aforesaid, special taxes for the pavement or improvement of any street, side-walk, or section thereof; or of any public wharf, landing, bason or harbor, or any other improvement contemplated by this act, to be levied and collected in proper proportions upon the person or property especially benefitted by such improvement; which taxes shall be collected and applied to the proper purposes, by the corporation in the first instance, or if the corporation shall so determine, not until default has been made by the owner or occupant of the property, so to be benefitted in the making of his proper proportion of such improvement, having been thereto reasonably noti-

fied by said corporation. SEC. 7. Taxes so as aforesaid assessed, upon real estate by said corporation, shall constitute a lien on such real estate, until paid, having preference to all other liens or claims of whatsoever age, except the claim of the state or county thereon for taxes, or a lien accruing by a prior mortgage to the state, and in default of the payment of such taxes when due, the said corporation shall have power and authority, by their proper officer, to seize said lot or parcel of land, and after having given notice thereof by advertisement in a newspaper printed and published in said town, if there be no newspaper, then by written advertisements thirty days prior thereto, shall proceed to expose to sale at the court house in said town, the lots or parcels of land so seized as aforesaid, or so much thereof, (by such division as the said collecting officer may think just and right,) as will pay the taxes thereon, and the costs and charges of such seizure, notice and sale, at public auction to the highest and best bidders; and when any lot or tract of land or part thereof, shall be sold as aforesaid, the said collecting officer shall give to the purchaser a certificate in writing describing the same with specific certainty, the sum paid therefor, and the time when the purchaser will be entitled to a deed for such lot or tract or part thereof, and if the owner or claimant of the lot or parcel of land described in such certificate, shall not within two years from the date thereof pay to the purchaser or his heirs or assigns or to the clerk of said corporation for the use of said purchaser his heirs or assigns, the sum mentioned in said certificate, together with interest thereon, at the rate of one hundred per centum per annum, together with such other taxes, costs and charges upon the tract of land mentioned in said certificate, as may have

accrued under the laws of this state, or the ordinances of said corporation, and all amount paid to the state upon such mortgage lien as aforesaid, if the same have been paid by the said purchaser, his heirs or assigns and vouchers of the payment thereof be deposited with said clerk or produced to such owner or claimants, the said collecting officer, or his successor, shall, after the expiration of the said two years, execute to the said purchaser, his heirs or assigns, in the name of the state of Indiana, a conveyance of the lot or parcel of land so sold as aforesaid, which conveyance shall vest in the person to whom it is given an absolute estate in fee simple, subject to the claim of the state or county for all taxes, costs, charges and privileged mortgage lien as aforesaid, accrued upon such lot or tract of land, and such conveyance shall be prima facie evidence that the sale was regular according to the provisions of this act and the ordinances of said corporation; and every such conveyance to be executed by such collecting officer or his successor, and duly acknowledged before any officer authorized to take acknowledgments of conveyances, may be recorded and have like force and effect as other conveyances acknowledged and recorded.

SEC. 8. It shall be the duty of the mayor or common council once in each year to publish a statement of the receipts and expenditures of said corporation during the preceding year to be affixed to the court house door in said town, or published in a newspaper printed therein.

SEC. 9. The said mayor and common council and their successors shall be capable of holding by purchase, donation, devise, or bequest, any personal or real property that may be thought advisable for the welfare and convenience of said town, not exceeding fifty thousand dollars, and the same to dispose of in such manner as may seem most beneficial to the citizens of said town; to receive mortgages upon real estate or other security for the payment of money, and to contract for the borrowing of money and for the repayment of the same.

SEC. 10. All suits against said corporation shall be commenced by summons and the process shall be served on the mayor or any two of the members of the common council, and all actions against said corporation shall be local to the county of Carroll: Provided, that the venue may be changed after the suit is commenced, as in other cases, and the justice of the peace of said county shall have jurisdiction in suits where said corporation is defendant, subject to the same restrictions and limitations as in case of natural persons. No appeal bond shall in any case be required of said corporation.

SEC. 11. All contracts made by said corporation in pursuance of the ninth section of this act, shall be signed by the mayor and attested by the clerk, and have the seal of the corporation affixed; and all other contracts requiring the seal of said corporation, shall be signed by the same officer: Provided, that said corporation shall be liable in an action of assumpsit for work and labor done, or goods, wares, and merchandize sold and delivered in pursuance of any order of said corpotion.

SEC. 12. Whenever the owner or occupant of any real estate, in

said town, shall feel aggrieved or injured by the construction of any work made under the authority of said corporation, he shall make out a complaint in writing particularly describing the injury of and interest of such complainant therein, and file the same with the clerk of the corporation and at their first regular meeting thereafter the said mayor and common council shall appoint three persons to assess and appraise the damages of the complainant, and shall fix the time and place of their meeting, who after being duly sworn impartially to discharge their duty shall thereafter make out their award in writing under the hands of them or a majority of them, and return the same to the said clerk within six days thereafter, which award so made (if damages be assessed) shall constitute a charge against said corporation for which they shall be liable to such complainant in an action of debt: Provided. that either party may appeal from the award of the appraisers to the circuit court at any time within twenty days from the time it shall be so returned to the clerk; the decision of which court, in the premises, shall have the force and effect of a judgment at law. The penalty of the appeal bond when the appeal is taken by said complainant shall be fixed by the mayor.

SEC. 13. The said mayor and common council shall be capable of receiving and holding all property belonging to the president and trustees of the town of Delphi, and all contracts, claims, and rights existing in favor of the last named corporation shall enure to the benefit of and be assignable to the said mayor and common council, and they shall be accountable for all liabilities now resting upon the said president and trustees of the town of Delphi; and so soon as the persons named in the first section of this act shall have elected a mayor, and the said mayor and common council shall have been qualified into office, the said corporation, the president and trustees of the town of

Delphi, shall be dissolved.

SEC. 14. For the better regulation of said corporation the said mayor and common council may pass such by-laws, ordinances and rules, regulating their own conduct and imposing such penalties upon members for a breach of any of their rules and regulations as they may

conceive conducive to the public good.

SEC. 15. The said mayor when such certificate as aforesaid is filed in the office of the secretary of state shall receive a commission from the governor. He shall be, and is hereby constituted and declared to be a judicial officer with power to administerter oaths, and hear and determine all penal and criminal causes arising within the limits of said corporation, which justices of the peace have jurisdiction to hear and determine and generally to do and perform in matters of a criminal nature arising within said town, all these things which justices of the peace may do. He shall have jurisdiction in all suits brought by said corporation for any breach of their laws or ordinances. He shall be a conservator of the peace within said town. For all violation of any ordinance or by-laws against breaches of the peace or misdemeanors, he is hereby authorized and required on com-

plaint made on oath, or on view without complaint, forthwith to issue his warrant and cause any person charged with a violation of such by-laws or ordinances to be arrested and brought before him to answer the said mayor and common council of the town of Delphi upon such charge, and shall try the same if the penalty imposed by such by-laws or ordinances do not exceed three dollars. If the penalty exceed three dollars, he shall try the same unless the defendant demand a jury, in which case he shall issue a venire and cause such jury to be summoned and empanneled to try the cause, and shall thereupon proceed according to the usage of the courts. In all other actions brought by said corporation for a breach or violation of any ordinance or by-law, the mayor shall issue a summons againts the defendant if he be a householder within the limits of said corporation, which summons shall specify a certain time not less than three nor more than twenty days from the date thereof, and also a certain place at which the defendant shall appear and be served at least three days before the time of such appearances in the manner that constables are required to serve summonses issued by a justice of the peace. When the value in controversy exceeds twenty dollars, the defendant may demand a jury

to be summoned and empanneled as above.

Sec. 16. The mayor may grant continuances in all causes before him in the same manner as justices of the peace may do; he may issue the necessary process for conducting causes over which he has jurisdiction, and for carrying his judgments into execution, he may collect and receive the same fees as are allowed to justices of the peace for similar services. All process to be issued by him shall be attested by his official signature, and have the seal of the corporation affixed, except subpoenas, which he may issue without the corporate seal. When acting as a judicial officer, he shall keep a record of his proceedings in all cases tried before him and all judgments entered thereon shall be signed by him, which record or part thereof or a transcript of any cases therein, certified by him under the seal of said corporation, shall be evidence in any court; such transcript shall be furnished to any person applying therefor and tendering the fee for the same; judgments shall be rendered by the mayor within three days after the hearing of any cause, and judgments and executions rendered and issued by him, shall have the same lien, force and effect as judgments and executions from justices of the peace; and transcripts of such judgments may be filed in the circuit court and execution ordered thereon in like manner as is provided in cases of judgments rendered before justices of the peace. The process issued by the mayor may be served at any place within the county of Carroll, and witnesses in his court shall be entitled to the same fees as witnesses before justices of the peace. Upon vacating his office he shall transmit his judicial record to his successor who shall be authorized to proceed upon the same in like manner as justices of the peace can with the dockets of their predecessors.

SEC. 17. The marshal, before entering upon his duties, shall take a like oath to the one required of the mayor in this act, a certificate

of which shall be filed in like manner with the clerk of said corporation. He shall be authorized to serve and execute all process issued by the mayor, and in all cases not especially provided for in this act or in the by-laws or ordinances of said corporation, shall be governed by the law regulating the conduct of constables in similar cases; it shall be his duty to suppress all riots, affrays, and breaches of the peace and unlawful assemblies contravening the ordinances of said corporation, or the penal laws of the state; to apprehend and bring before the mayor on view or on warrant, all such offenders, and in discharge of such duty he may call to his aid the power of the country or necessary assistance, he shall give information to the mayor of any breach of good order in said town for the purpose of having the offender brought to justice. His fees for all ministerial services shall be the same as those allowed to constables for similar service. All process issued by the mayor may be served by a constable if it be directed to him instead of the marshal.

SEC. 18. All forfeitures on penalties imposed by any ordinance or by law of said corporation shall enure to the use of said corporation, and may be recovered by action of debt in any court having competent

jurisdiction.

Sec. 19. It shall be the duty of the keeper of the jail of Carroll county to receive into his custody any prisoner or prisoners who may from time to time be committed to his charge under the authority of said mayor, and to safely keep every such prisoner or prisoners according to the warrant or process of commitment until he, she, or they shall be discharged by due course of law.

Sec. 20. In any suit or judicial proceeding wherein said corporation is a party it shall not be necessary to prove themselves a corporation, but the burthen of proof to the contrary shall be on the other party, and all officers de facto of said corporation shall be presumed to

have been legally elected and qualified.

SEG. 21. It shall not be lawful for any person or persons other than tavern keepers within the bounds of said corporation to sell by a less quantity than one quart at a time of spirituous liquors, foreign or domestic, or keep what is commonly called a tippling house unless such person or persons, shall in addition to a license obtained from the board doing county business, obtain also a license from the corporation which is hereby authorized to grant the same to such applicant or applicants for one year on his, her, or their paying into the treasury of the corporation a sum not exceeding two hundred dollars, and not less than twenty dollars, at the discretion of the corporation. And if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she, or they so offending, shall upon conviction thereof upon presentment or indictment, or otherwise, before any court having competent jurisdiction thereof, be fined in any sum not exceeding fifty nor less than five dollars, for the use of the county seminary of said county; Provided, That nothing herein contained, shall be construed to release tavern keepers from any of their penalties, restrictions, or regulations,

provided by the general law now in force in relation to the corporation of towns, and that, providing for the license and regulation of taverns.

SEC. 22. No recovery on suit by said corporation upon any penal ordinance or by-law shall be a bar to a prosecution in the name of the

State for the same offence.

SEC. 23. The legislature shall have power from time to time to alter, amend, modify, or repeal this charter, and this act shall be taken and deemed to be a public act; and shall be favorably construed for all beneficial purposes, and it shall not be necessary, specially to plead the same in any suit. It shall take effect and be in force from and after its passage and it shall be published in the Delphi Oracle.

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AN ACT to incorporate the town of Martinsville in Morgan county, Indiana.

#### [APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Wm. Sheerer, Benj. Sweet, Isaac D. Shepherd, William H. Craig, Benjamin Bull, Hannibal R. Stevens, Thomas F. Huff, James M. Mitchell, Perry M. Blankenship and Patterson B. McCoy, be, and they are hereby appointed trustees of the town of Martinsville in the county of Morgan, to serve as such until the first Monday in March 1839, and until their successors are elected and qualified as hereinafter directed.

SEC. 2. That the trustees aforesaid at their first meeting under this act, shall elect a president from their own body, whose duty it shall be to preserve order and put all questions before them, and upon an equal division of the board, give the casting vote, and at the close of each meeting shall sign the minutes of the same, and the said trustees shall also, at said first meeting, appoint all officers necessary to carry into effect the provisions of this act, and make such compensation to such officers as to the majority of the board may seem reasonable.

SEC. 3. That the said president and trustees of said town of Martinsville and their successors in office shall be, and the same are hereby declared a body politic and corporate with perpetual succession, by the name and style of the president and trustees of the town of Martinsville, and by their corporate name shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of competent jurisdiction, and shall have power to make and use a common seal, and the same

to alter, and break at pleasure, to ordain, order, establish and put into execution and carry into effect such by laws, rules, ordinances and regulations necessary and proper for the benefit and conveniences,

and good government and police of said town.

SEC. 4. That the said president and trustees or a majority of them, shall have power to lay off said town into as many wards as they may deem necessary, and on the first Monday of March, annually there shall be an election at the court house in said town, to elect by ballot seven trustees for said corporation, at which election each white male citizen of said town who shall have the qualification of a voter for state and county purposes, and shall have resided in said town two months next preceding such election, shall be entitled to vote at the same; ten days notice of which election shall be given by the president and trustees aforesaid, by public notice in some newspaper (if there should be one), or written notices set up in three of the most public places in said town, designating the time and place, of holding such election.

SEC. 5. The president and trustees of said town shall at their meeting preceding each annual election, appoint an inspector of elections, whose duty it shall be to attend all elections for said town and take to his assistance two qualified voters, of said town, who shall be judges of said election; and said inspectors and judges shall appoint two clerks of election, all of whom, after being sworn or affirmed faithfully to perform their duties as such, (which oaths or affirmations the acting president of said corporation or any other person authorized to administer oaths, may administer), shall proceed to receive the votes between the hours of ten o'clock A. M. and four o'clock P. M. on the day of election: Provided however, if the inspector shall fail to attend any election, the electors present may choose one to act in his place: And provided also, that if the electors should fail to attend, or the president and trustees should fail to give notice of any election, the said corporation shall not thereby be dissolved, but the president and trustees then in office, shall continue in office until successors shall be elected at an annual election for said town.

SEC. 6. It shall be the duty of the inspector and judges of such election to certify under their hands the seven persons who receive the highest number of votes for trustees of said corporation, which certificate shall be filed and recorded by the clerk of said corporation, whose duty it shall be to make out and deliver copies thereof to each of the persons therein named; which certificate shall be sufficient evidences of the election of such trustees. The trustees thus elected, or a majority of them, shall meet within ten days after such election, and after taking an oath or affirmation, faithfully to discharge their duties as such trustees, shall elect one of their body to preside, as provided for in the second section of this act, and in case of absence of the president at any meeting of the board, the trustees present may appoint one of their own body president pro tem. No person shall be eligible as a trustee, unless he be eligible as a voter, also a freeholder or a householder in said town. When vacancies happen by death, removal or otherwise,

such vacancies shall be filled by appointment of the trustees until the next annual election. A majority of the trustees shall at all times form a quorum to do business; they shall meet on their own adjournments. and appoint their own officers, as provided in the second section of this

SEC. 7. It shall be the duty of the president of the board to sign all laws and ordinances and decrees of a public nature, and also sign the records of all their by-laws, and journals or minutes of their proceedings, and at the first meeting of the president and trustees, after the taking effect of this act, and after each annual election, as soon as may be convenient, they shall elect or appoint a clerk, a treasurer and a marshal of said corporation each of whom shall serve one year, and until their successors shall be chosen and qualified, and shall possess the qualification of voters, and take a similar oath with the trustees, give bond and security payable to said president and trustees, conditioned for the faithful discharge of their duties respectively; and on failure to perform all or any of the conditions of said bond, they shall be liable to the suit of the president and trustees aforesaid, on said bond against them and their securities, who may assign breaches upon the condition of said bond, and recover judgment for any default in the discharge of the duties of such officer, together with full cost of suit and ten per cent. damages, if such suit be brought for non-payment of any sum of money due said corporation, in any court having competent jurisdiction, and on which judgment there shall be no stay of execution.

SEC. 8. The president and trustees shall have power to levy annually, and collect a tax on real property, not exceeding one half per centum on its valuation, exclusive of its improvements; and on all shows and amusements which may be exhibited for gain, not less than three nor more than ten dollars for each exhibition, and may levy a tax on any specific article or articles of personal property, and upon retailers of spiritous liquors, and upon venders of merchandise; and in addition to the above, the said president and trustees may levy and collect a poll tax on every actual citizen qualified to vote, not exceeding fifty

cents.

Sec. 9. The president and trustees shall have power to pass such laws and ordinances or decrees as may be necessary to guard against damages by fire, to organize fire companies and govern the same, to regulate the duty and conduct of the citizens of the town in relation thereto, to regulate and govern the markets, to prevent the erection of public nuisances in the town and remove the same, to sink and keep in repair public wells or other water works, and shall have the sole and exclusive power and authority to keep in repair all necessary streets, alleys and drains, and to pass regulations necessary for the same, agreeably to the plan of said town, and generally to enforce by proper penalty the observance of all laws and ordinances relative to the police and government of said town.

Sec. 10. The limits of said town shall for the purposes of taxation and police, extend to and embrace the plat of said town of Martinsville, including the out-lots, with any addition or additions, which have been or may hereafter be made to said plat as the same is, or may hereafter be entered of record, in the recorder's office of said county of Morgan, and for purposes of police, good government, and for the suppression of gambling, rioting, horse racing, and other immoral and improper conduct, the limits of said corporation shall extend one half mile in every direction from the court house in said town.

SEC. 11. The president and trustees shall in the month of April in each year, appoint an assessor, who shall take an oath of office, after which he shall proceed forthwith to make a fair list in alphabetical order, of all persons subject to taxation, together with such property as the president and trustees may direct him to list, also of all lots and fractions of lots, particularly noting the number or other description thereof, the owner's name if known, and whether resident or nonresident, and after having completed such list, he shall take to his assistance two freeholders, who having taken a like oath or affirmation as the assessor, and faithfully and impartially to value the real property directed as aforesaid to be assessed, shall with the assessor proceed to value the same, and such assessor shall, on or before the fifteenth of May next succeeding, make return of such assessment to the clerk of the corporation.

SEC. 12. The president and trustees shall in the month of May in each and every year, levy a tax on the property so assessed and returned by the assessor, and appoint a collector to collect the same, who shall take an oath of office, give bond and security, to be approved of by the president and trustees, conditioned that he will faithfully discharge his duty, and pay over to the treasurer of said corporation all moneys that may come into his hands as such collector, and shall hold his office

for one year, unless sooner removed.

SEC. 13. The president and trustees shall cause the clerk to make out a fair copy of such assessment list, setting forth the the amount of tax charged on each poll and each item of property, and shall deliver the same to the collector on or before the first day of June annually, and certify the amount of tax contained in such duplicate to the treasurer, such duplicate so put into the hands of the collector, certified by the president, and attested by the clerk, shall be sufficient authority for the collector to collect the taxes charged thereon.

SEC. 14. It shall be the duty of the collector to receive the amount of taxes due from each individual on or before the first day of July in each and every year, and in all cases where the taxes assessed are not paid by that time by any individual, it shall be the duty of the collector to proceed and collect the same by distress and sale of any of the personal property of such delinquent, subject to execution by the laws of this state, by giving ten days notice of the time and place of such sale, by advertisements, set up in three of the most public places in said town.

SEC. 15. In all cases where the tax due cannot be made of the goods and chattels of such delinquent, it shall be the duty of the collector to levy upon and take lots or fractions of lots or so much thereof as will pay the taxes of such person (if said person shall own any lots or frac-

tion of lots in said town) and all costs due thereon, by giving twenty days notice of the time and place of such sale in some weekly newspaper published in said town if any there be, or by setting up written notices in five of the most public places in said town, in which notices he shall describe the lot or lots to be sold by their proper number, or some other certain description, with the owner's name, if known, or the person's name to whom it is supposed to belong, and file one of said advertisements with the clerk of said corporation, to be by him filed amongst the records of said corporation. The collector shall on the day of sale, by proclamation proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and costs due, for the smallest portion of the lot or lots so offered for sale, and shall give the purchaser a certificate, setting forth the amount paid, including tax and costs; and that such purchaser will be entitled to a deed for the lots purchased; at the end of two years, unless some person shall redeem the same by paying to the purchaser, his heirs or assigns, or to the clerk of the corporation for his use, the amount of the purchase money with one hundred per cent. per annum thereon,.

Sec. 16. In case the owner of any lot or fractional lot so sold as aforesaid shall not pay the amount of the purchase money with the per centum thereon as aforesaid, within two years from the day of sale, it shall be the duty of the collector then in office, to make a deed to the purchaser, his, her, or their heirs or assigns for such lot or fractional lot, which deed acknowledged and recorded agreeably to law, shall vest the title thereto in the purchaser, his, her, or their heirs or assigns, and such tax after the assessment shall be a lien on the owner's real estate in said town; and in all cases where lots are assessed and the owner's name is not known, such sale shall be valid and good to the pur-

chaser.

SEC. 17. The collector may adjourn his sale from day to day, and if at the final adjournment of his sale, any lot or lots should remain unsold for want of buyers, he shall make return thereof, and the amount of taxes and cost shall remain as a lien on such lot or lots and shall be added to the next year's assessment, together with twenty-five per centum thereon. The collector shall be allowed fifty cents for each sale and certificate and the expense of advertising the same.

SEC. 18. It shall be the duty of the collector to make return of his proceedings and the sales made to the clerk of the corporation on before the first day of September annually, and pay over to the treasurer all moneys by him collected, at which time he shall furnish a list of delinquents, for which he shall receive a credit, if deemed correct and

true.

SEC. 19. All bonds given by the officers of the corporation, and all the contracts entered into with the corporation shall be in the name of the president and trustees of the town of Martinsville, and all suits commenced for the benefit of the corporation, or where the corporation shall be defendant, shall be in the name of the president and trustees of the town of Martinsville, without setting forth the name of any member thereof.

SEC. 20. It shall not be lawful for any person or persons within the bounds of the corporation to sell by less quantity than one quart, except for the use of the sick, any spiritous liquors, foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons shall, in addition to a license obtained from the board of county commissioners, obtain a license from the corporation, who is hereby authorized to grant the same to such applicant for one year or less at one time, on his, her, or their paying into the treasury of the corporation, a sum not less thanten nor more than one hundred dollars, at the discretion of the president and trustees of said town. And if any person or persons shall sell any spiritous liquors or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she, or they, so offending, shall upon conviction thereof, in an action of debt, or on the case, brought by the president and trustees against the offender or offenders, before a justice of the peace or any court having competent jurisdiction, be fined any sum of money not more than fifty nor less than five dollars for each violation of this section, and shall upon conviction thereof by presentment or indictment (in which indictment it shall not be necessary to recite this act) in any court of competent jurisdiction, be fined in any sum not more than one hundred, nor less than ten dollars, for the use of the county seminary. And for the better regulation of the peace and good government of the town, the said president and trustees are hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting, or whatever way detract from the peace and good order of society, of said town, and for the purpose of carrying into effect the provisions of this act, the president and trustees are hereby authorized to appoint a marshal, who shall within the bounds of the corporation, be a peace officer, and in the service of the process within said corporation, in which the corporation may be a party, the marshal shall have the same authority and be subject to the same responsibility as a constable.

SEC. 21. Whenever the owner of any lot, on any street shall be desirous of making any improvement on the same by grading, gravelling, or paving said street or the side walk, if two thirds of the owners of lots on said street or section of street by themselves, their tenants or occupants thereof, representing two thirds of the whole number of feet on each side of any street, or section of a street, or two thirds of the whole number of feet on one side of any side walk, shall by petition represent to the president and trustees of said town, plainly and distinctly the improvement wanted or contemplated to be made, it shall be the duty of the president and trustees to cause the same to be done agreeably to the wish of the petitioners, and the expense of such improvement shall be assessed and levied on all the lots fronting on such improvement, equally per foot for the distance such improvement may be intended to extend; which assessment and levy from the time of making the same, shall be and remain a lien upon said lot or lots, until the amount so assessed and levied shall be fully discharged. It shall be the duty of the clerk of the corpora-

tion, to enter such petition on record with the petitioners' names. the number of feet owned by each individual, and the whole amount assessed on each lot or fraction of lot; which list signed by the president and attested by the clerk, shall be sufficient authority for the collector to collect the same, and if the owner or occupant of any lot, or part of lot, shall neglect or refuse to pay the amount so assessed and levied, within three months after such levy, the collecttor shall proceed to collect the same by sale of such lot, or part of a lot or so much thereof as will pay the amount so levied, and in such sale and conveyance to the purchaser thereof, he shall in all respects be governed by the fifteenth and sixteenth sections of this act, and the right of redemption shall be the same as is provided by the fifteenth section of this act; and if any such lot or fraction of lot shall not sell for want of buyers, or any other legal cause, the same may be re-offered by such collector from time to time until the same shall be sold, adding the costs that may accrue at each time for advertising, &c. and the collector shall be entitled, in addition to the cost of advertising, to the same fee for such sale as he is allowed in the seventeenth section of this act, the collector for making the deed shall be allowed one dollar for making the same, to be paid by the person receiving the said deed.

SEC. 22. All laws and ordinances passed by the president and trustees, of a public nature, shall be published by setting up written or printed copies thereof, in three of the most public places in the corporation, or by publishing the same in some newspaper in said town, if any there should be, ten days before the same shall be in force; and it shall be the duty of the president and trustees in the month of March, annually, to cause a full statement of the receipts and expenditures of the past year to be posted up in three of the most public places in

the corporation.

SEC. 23. That all resident male citizens living within the corporation of said town, between the ages of twenty-one and fifty years, persons exempted by law or excused by the president and trustees of said town, shall work the streets and alleys of said town, two days in each and every year. Each person made liable to work the streets and alleys of said town, by this section, who shall fail to attend in person, or by satisfaction substitute at the time and place appointed by the marshal, within the corporation aforesaid, with the designated tool or implement, having had three days' notice thereof, or having attended, shall spend his time in idleness, or disobey the marshal, who is hereby declared to be supervisor of the streets and alleys of said town, shall forfeit and pay the sum of seventy five cents for every such delinquency, to be recovered by an action of debt, in the name of the president and trustees of the town of Martinsville, before any justice of the peace of the proper county. And it shall be the duty of said marshal, to report to the president and trustees, all delinquencies arising under the provisions of this section.

SEC. 24. The thirty-fifth section of an act for incorporating and repairing public roads and highways, approved February 10th, 1831, and the third section of an act to amend an act entitled an act for

The legislature reserves the power to alter and amend this charter

at pleasure.

This act shall take effect and be in force from and after its passage.

# CHAPTER XI.

AN ACT to Incorporate the Town of Greensboro'.

[APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Seth Hinshaw, John Lawrence, Hezekiah Patterson, Jesse Sanders, Exum Saint, Elwood Stanley, and Nathan Hunt, Esqrs., be, and they are hereby appointed trustees of the town of Greensboro', to serve as such until the first Monday in March, 1838, and until their successors are elected and qualified as herein directed.

SEC. 2. That the president and trustees of the town of Greensboro' and their successors in office, shall be, and they are hereby declared to be a body corporate and politic, by the name and style of "The President and Trustees of the Town of Greensboro," and by said corporate name, shall be forever able, and capable, in law and in equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all manner of suit, action, plaints, pleas, causes, matters and demands, of whatsoever kind or nature they may be, in as full and effectual a manner as any person or persons, bodies corporate or politic may or can do.

SEC. 3. The president and trustees shall have power to pass such laws, ordinances, and decrees, as may be necessary to guard against damage by fire, to regulate the duty and conduct of the citizens in relation to the same; to regulate and govern the markets; to prevent the erection of public nuisances, and remove the same; to declare what shall be considered a public nuisance, and generally to enforce by proper penalties, the observance of all laws and ordinances, relative to the peace and government of said incorporated town.

SEC. 4. It shall be the duty of the president and trustees to hold an election on the first Monday in March, 1838, and annually thereafter, for the purpose of electing seven trustees and one marshal, a certificate of which election, under the hand of the president, and recorded by the clerk, shall be sufficient authority for the persons elected as trustees, after being sworn or qualified, to enter upon their respective duties. And also for the person elected as marshal, to enter upon his duties as soon as he shall be qualified as is in this act requir-

ed: Provided, however, That the election for trustees and marshal shall be held between the hours of one and four o'clock, P. M. Provided, also, That if the electors shall fail to meet and elect trustees and marshal, those in office, shall so continue, until others shall be elected at some subsequent annual election.

SEC. 5. No person shall be entitled to vote at any election, held for the benefit of said incorporation, who is not qualified to vote for members of the legislature of this State, and also being a citizen within the said incorporation: Provided, however, That this shall not be so construed as to prevent any citizen freeholder from voting at any elec-

tion after he shall have paid a public corporation tax.

SEC. 6. The president and trustees elected agreeable to the provisions of this act, shall within ten days thereafter, take an oath or affirmation, faithfully, diligently, and impartially to discharge their duties as trustees; after which they shall elect one of their own body to preside as president at their meetings, (at which a majority shall rule,) but in case of his absence, a president pro tempore shall be appointed; when any vacancy shall occur in any office of the said incorporation, by death, resignation, or otherwise, such vacancy shall be filled by the appointment of the president and trustees, until the next annual election; a majority of said trustees shall at all times form a quorum to do business. They shall meet on their own adjournments, or by the appointment of the president, or any three of the trustees in cases of emergency; shall appoint all officers necessary to carry into effect the provisions of this act, and allow them such compensation as to them may seem reasonable and proper for their services; and it shall be the duty of the president to sign all their by-laws, journals, ordinances, and minutes, at the end of each meeting, which shall also be attested by the clerk of the corporation, and after a copy thereof of a public nature, (signed by the president and attested by the clerk.) shall be posted up in some public place in said incorporation, such law or ordinance shall be in full force, all others from and after their passage and assignment as aforesaid.

SEC. 7. The president and trustees shall have power to levy and collect, annually, a tax not to exceed one sixteenth per centum per annum, on all real and personal property, except houses, lots, or other property belonging to and for the special use of public worship, public schools, or public grave yards: and on all shows, exhibitions, or amusements exhibited for gain, a tax of not less than three nor more than twenty dollars, shall be laid for each exhibition: Provided, That the president and trustees shall hereby have power, at any time, to levy and collect a tax on any specific article or articles of personal property, with provision that such article shall not be taxed but once a year; which taxes with all others, and all fines and forfeitures, accruing under this act, shall be paid into the treasury of the corporation, subject to the order of the president and trustees, for the use of the incorpor-

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SEC. 8. It shall be the duty of the president and trustees, at their first meeting, or as soon thereafter as may be convenient, to proceed to elect or appoint a clerk, treasurer, and lister, to serve for the term of one year, or until their successors shall be appointed or elected and qualified; and they shall possess the same qualifications as trustees; take a similar oath or affirmation, and with the marshal give bend and security, conditioned for the faithful discharge of their respective duties; and on failure to perform any of the conditions of said bond, they and their securities shall be liable to the suit of the president and trustees aforesaid, who may assign breaches upon the conditions of said bond, or other cause, and recover a judgment for any default in the discharge of the duties of such officer, together with full costs and ten per centum damage thereon, in any court having jurisdiction of the same, on which judgment there shall be no stay of execution.

SEC. 9. It shall be the duty of the lister, from and after the first day of May in each year, to make a fair list and assessment, in alphabetical order, of all lots, parts, or fractions of lots, particularly noting the number and description thereof, the owner's name, if known, and whether resident or non-resident, and all other such taxable property as the trustees may direct him to list, and make return thereof to the president and trustees, on or before the twenty-fifth day of the same

month.

SEC. 10. It shall be the duty of the president and trustees to levy and cause to be made out the assessment of tax on or before the first day of June in each year, in order that the marshal, whose duty it shall be to collect the same as due from each individual and pay all moneys thus collected into the treasury on or before the thirtieth day of the same month, and in all cases where the taxes assessed are not paid by that time by any individual, it shall be the duty of the marshal to proceed and collect the same by distress and sale of any of the personal property of such delinquent, subject to execution by the laws of this state, by giving ten days notice of the time and place of said sale, by advertisements set up in three public places in said incorporation.

SEC. 11. In all cases where the taxes due and owing cannot be made of the personal property of said delinquent, it shall be duty of the marshal to make sale of the lot, lots or fractions of lots belonging to such person or so much thereof as will pay said taxes with the costs due thereon by giving ten days notice of the time and place of said sale, by posting up five written notices thereof in the most public places in said town, in which he shall describe the lot or lots to be sold by their proper number or some other certain description with the owners name, if known or to whom it is supposed to belong and file one of said advertisements with the clerk of the corporation, to be by him filed among the records of the same; and the marshal shall, on the day of sale, by proclamation, proceed to sell said lot or lots to the highest bidder or to the person who will pay the tax and costs due for the smallest portion of the lot or lots so offered for sale, and shall give such purchaser a certificate of such purchase, the amount paid including the tax and costs, and that said purchaser will be entitled to a deed for the

same at the end of two years, unless the owner or some person for him, her or them shall redeem the same on or before that time, by paying to said purchaser, his, her or their heirs or assigns, the amount of said purchase money with one hundred per cent. thereon or deposit the same with the clerk of the incorporation, whose duty it shall be to make an exhibit of the same to the president and trustees at their next

meeting, which if correct shall be entered on record.

Sec. 12. And if in case the owner of any lot or fractional lot so sold as aforesaid, his, her or their agent or attorney, with the costs and per cent. thereon as aforesaid, within two years from the day of sale thereof, it shall be the duty of the marshal then in office to make a deed to the purchaser, his, her or their heirs or assigns, for such lot or fraction of lot, which deed acknowledged and recorded agreeable to law, shall vest the right and title to said real estate in the purchaser, his heirs or assigns forever, and divest the owner or owners of any title thereto; and the assessment made on any such lot or lots shall be a lien on the same in the hands of any person who may purchase the same at private sale; and no conveyance made by the owner of such lot after the time of such assessment, shall so divest the owner thereof of the title to said lot as to interfere with the claim of the purchaser under the provisions of this act.

SEC. 13. All moneys in the treasury on the first day of September in each year, shall be divided among the wards in proportion to the amount of taxes levied and assessed on each ward for that particular year, to be laid out by the president and trustees, to improve the streets of said ward in such manner as a majority of the citizens there-

of may direct.

SEC. 14. The president and trustees shall divide the incorporation into as many wards or districts as to them may seem necessary, subject however to their alteration at any time, and whenever a majority of the owners of any lots or parts of lots in any ward or district shall be desirous of improving the streets or parts of streets thereof by grading, graveling or any other improvement thereon, they shall by petition represent to the president and trustees, plainly and distinctly the improvement to be made, and it shall be the duty of the president and trustees to cause the same to be made in the most economical manner agreeable to the wish of said petitioners; and for the expense of such improvement, the president and trustees shall levy and assess on all lots or parts of lots fronting the streets or section of street in said ward or district in equal proportion to the part of each lot, which assessment from the time of making the same shall be a lien upon said lot or lots until the amount of said levy and assessment shall be paid and discharged, and it shall be the duty of the clerk of the incorporation to enter such petition on record with the petitioners' names, the amount of front owned by each individual, and shall make out and deliver to the marshal a list of the owners' names, with the front owned by each individual, the rate of expenses on each lot for such improvement, and the whole amount assessed and levied on each lot or part of lot, which list signed by the president and certified by the clerk, shall be sufficient authority for the marshal to proceed and collect the same, and if any owner of any lot or part of lot shall neglect or refuse to pay the amount so assessed and levied within three months after such levy and assessment, the marshal shall then proceed to collect the same by sale and conveyance of such lot or part of lot in the same manner as in this act made and provided for the collection of other taxes in this act specified.

SEC. 15. That whenever a majority of the citizens of any ward shall agree thereto, each person shall grade and gravel or pave a side-walk if necessary, of eight feet at least, in front of his own lot or lots at his own expense, in such manner as shall be acceptable to the president and trustees; and if any citizen or freeholder, shall for the space of six months thereafter neglect or refuse to improve his sidewalk, the president and trustees shall procure the same to be done and tax said citizen or freeholder with the expense thereof, and proceed to collect the same as in other cases made and provided for the collection of taxes under this act.

SEC. 16. The limits of the incorporation shall extend to and embrace the plat of the town of Greensboro, including any additions which have been or may hereafter be made thereto, as the same is or may hereafter be entered of record in the recorder's office of said Hen-

ry county.

Sec. 17. It shall not be lawful for any person or persons within the boundaries of said corporation, to sell by less quantity than one quart, except for the use of the sick, any spiritous liquors foreign or domestic, or keep what is commonly called a tippling house unless such person or persons shall, in addition to a license obtained from the board doing county business, obtain a license from the incorporation, who is hereby authorized to grant the same to such applicant for one year or less, at one time, on his, her or their paying into the treasury of the corporation, a sum not less than five dollars, nor exceeding the amount which the board of county commissioners are authorized to demand for a license for the retailing of spiritous liquors in the said county of Henry, at the discretion of the said president and trustees of said corporation. And if any person or persons shall sell any spiritous liquors or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she or they so offending, shall upon conviction thereof, in an action of debt, or on the case, brought by the president and trustees against the offender or offenders, before a justice of the peace or any court having jurisdiction thereof, recover any sum of money not more than twenty nor less than three dollars, for any violation of this act: and shall upon conviction thereof by presentment or indictment, (in which indictment it shall not be necessary to recite this act), in any court having competent jurisdiction be fined in any sum not more than fifty nor less than five dollars for the use of the county seminary: Providid however, that nothing in this section shall be so construed as to prevent taverns licensed by the county board from retailing to travelers and them only without a corporation license, which traveler shall be defined by the president and trustees, and such tavern keeper shall

not be hereby allowed to suffer any quantity of spiritous liquors bought of him to be drank within his house or premises, except to said travelers, and for a violation of this provision, said tavern keeper shall be liable to all the pains and penalties in this section made and provided with respect to retailers in general; and for the better regulation of the peace and good government of said town, the president and trustees are hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting or whatsoever may detract from the peace and good of society.

SEC. 18. This act shall be in force from and after its passage.

#### CHAPTER XII.

AN ACT to incorporate the town of Rockport, Spencer county.

[APPROVED FEBRUARY 15, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John B. Greathouse, Alexander Britton, John Proctor, John Shrodes, Joseph V. Hill, Thomas H. Brown, J. E. Cotton, John H. Arnold, and Daniel Brown, are hereby appointed trustees of the town of Rockport in Spencer county, to serve as such until the first Monday, in September next, and until their successors are elected and duly qualified, as hereinafter prescribed.

SEC. 2. That said trustees at their first meeting, which shall be on the first Monday in some month, within six months from the passage of this act, shall elect a president of their own body, whose duty it shall be to preside at all meetings of their board, preserve order, put all questions, and upon equal division, give the casting vote; and at the

close of each meeting, sign the minutes of the same.

SEC. 3. The said president and trustees, and their successors in office shall be and they are hereby declared to be a body politic and corporate, with perpetual succession, by the name and style of the President and Trustees of the town of Rockport, and by their corporate name shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of competent jurisdiction, and shall have power to make and use a common seal, and the same to break, alter, or amend at pleasure; to ordain, order, establish, and put into execution and effect such by-laws, rules and ordinances as may be necessary and proper for the benefit and convenience of the citizens of said town, and shall also have power to adopt and put in force such laws, ordinances, and regulations as they shall deem necessary for the police, good government, and order of said town hereby incorporated

not inconsistent with the constitution and laws of the state, or the constitution and laws of the United States.

SEC. 4. On the first Monday in September, one thousand eight hundred and thirty eight, and on the first Monday in September, annually thereafter, there shall be an election held at some convenient place in said town, to elect by ballot, five trustees, of which election the trustees or a majority of them shall give ten days previous notice by written advertisements against the court house door, and from thenceforth there shall only be five; and if from any cause an election is not held on the first Monday in September of any year, then it shall be lawful to hold such election on any Monday thereafter in the same year, the trustees then incumbent giving ten days' previous notice thereof by written advertisement against the court house door; and a majority of said trustees shall form a quorum, and shall be competent to transact all necessary business at such elections. Each white male inhabitant of said corporation, citizen of the United States, and twenty-one years of age, who shall have the qualifications of a voter for state officers, and shall have resided within the bounds of said corporation six months next preceding such election, shall have a right to vote.

SEC. 5. The president of the corporation shall act as inspector of such election; and shall call to his assistance two other qualified electors, who with himself shall be judges of the election. They shall appoint a clerk and having taken an oath or affirmation, faithfully to discharge their duties as judges and clerk, shall proceed to receive votes for trustees between the hours of ten o'clock, A. M. and four o'clock, P. M. on said days: Provided, however, if the president should not be present, the qualified voters shall, in that case, choose one to act in his place at such election. It shall be the duty of the judges of such election to certify under their hands and seals the names of the five persons who shall have received the highest number of votes; which certificate shall be filed and spread on the record of said corporation by their clerk, whose duty it shall be to deliver a copy of the same to each of the five persons returned, which certificate shall be sufficient authority for such person to take his seat as trustee.

Sec. 6. The trustees thus elected, or a majority of them, shall meet, and after taking an oath or affirmation to faithfully, diligently, and impartially discharge their duties as trustees, shall elect one of their own body to preside as president at their meeting; but in case of his absence, a president pro tem. may be appointed. No person shall be eligible to the office of trustee unless he is a freeholder and a qualified voter within the bounds of such corporation. When vacancies occur they shall be filled by the appointment of the board of trustees, until the next annual election. A majority shall at all times form a quorum. They shall meet on their own adjournments; shall appoint all officers to carry into effect the provisions of this act, and make such compensation for their services, as to them may appear reasonable; and it shall be the duty of the president to sign the records of all their by-laws and journals and minutes of their proceedings, which

shall also be attested by their clerk; and after a copy thereof of a public nature, attested by the clerk, with the seal of the corporation, shall have been posted up in three public places in said corporation, ten days, such laws and ordinances shall be deemed to be in force, all others to be in force from and after their passage, being signed as aforesaid.

SEC. 7. At the first meeting of the president and trustees, after their election in each year, or as soon thereafter as may be convenient, they shall proceed to elect a clerk, treasurer, assessor and marshal, each of whom shall serve one year and until their successors shall be chosen and qualified. They shall possess the same qualifications as trustees, take similar oaths, and give bond and security payable to the president and trustees, conditioned for the faithful discharge of their duties respectively; and on failure to perform all or any part of the conditions of said bond, they shall be liable to pay to the president and trustees aforesaid, the full amount in arrears, together with full costs and ten per cent. damages thereon, and six per cent. per annum upon the whole amount recovered, from the time the same should have been paid over until the day of payment; all which may be recovered by motion made before the circuit court, ten days previous notice having been given of such intended motion; and for all which such court is required to give judgment against such officer, unless he show good cause to the court why judgment should not be rendered against him, and upon which judgment execution may issue, returnable within thirty days from the date thereof, without any stay thereon; or on failure to perform all or any part of the conditions of said bonds, the principals and securities, or any two or more or either of them shall be proceeded against by suit in said court, upon his official bond, judgment to be had thereon for the debt, damages, interest and cost above mentioned, upon which execution shall issue returnable as aforesaid.

SEC. 8. The president and trustees shall have full power to assess and collect a tax on real property, not to exceed one half per cent. on its valuation, exclusive of improvement on such property, or any specific article of personal property, a poll tax on each qualified voter, not exceeding thirty-seven and a half cents; on all shows, exhibitions or amusements which may be exhibited or performed for gain, which in the opinion of the corporation are demoralizing to society, or calculated to detract from the peace and good order thereof. And in assessing and collecting the annual revenue under the direction of the president and trustees, all assessors and collectors shall be in all respects, governed by the laws which now or may be inforce hereafter, regulating the assessment and collection of the state and county revenue, except that the marshal shall make his return to the precept for the collection of the annual revenue to the president and trustees.

SEC. 9. It shall be the duty of the marshal to serve all process and orders directed to him by the president, except he is absent, sick or interested in the same, in which case it shall be the duty of the president to name some fit person for that occasion, who shall have the same authority as the marshal in like cases, and to collect all taxes according

to the duplicate of the assessment roll. In the service of such process and in the collection of taxes, whether by distress and sale or otherwise, the marshal shall be governed by the same rules and regulations as sheriffs, collectors and constables are directed to observe in similar cases. And in all cases of distress and sale by the marshal, of the real or personal property, on process directed to him by the president for the collection of taxes, such sale shall be as valid in law and equity, as if the same had been made by a sheriff, constable or collector, and all certificates and deeds given for the sale of real estate, shall be as binding as if made by the sheriff or collector and redeemable in like manner.

SEC. 10. The president and trustees shall have power to make and enforce all necessary by-laws, ordinances and regulations, to preserve order, regulate and establish markets, to sink and keep in repair public wells, to prevent the erection of public nuisances, or impose a fine upon any person for suffering the same to remain on their lots, and shall have power to remove the same, and to declare what shall be considered a public nuisance; and for this purpose may extend the jurisdiction one half mile beyond the limits of said town, and generally to enforce by proper penalties, the observance of all laws and ordinances relative to the police and government of the said incorporated town; and the bounds of said corporation shall extend to the limits of the town plat as it now is or hereafter may be entered on record in the

recorder's office in the said county of Spencer.

SEC. 11. The president shall have power to issue, under the seal of the president and trustees, and the marshal to serve process in any manner relating to any violation of the laws and ordinances of the president and trustees, and to carry the same into as full effect for any violation thereof, as justices of the peace and constables have now, or may hereafter have to carry into effect, any process issued by virtue of any law of this State, and shall be entitled to receive, and authorized to demand and collect the same fees that are or shall be allowed to justices of the peace and constables, for performing similar services. And the president, when officiating as authorized in this section, shall keep a record of his proceedings, which record or copy thereof, certified by him with his private seal, duly attested, shall be evidence in any court.

SEC. 12. It shall be the duty of the keeper of the jail of Spencer county to receive into his custody, any prisoner or prisoners, who may from time to time be committed to his charge, under the authority of said president, and to safely keep every such prisoner, according to the warrant or process of commitment, until he, she, or they, shall be

discharged by due course of law.

SEC. 13. The marshal shall be the collector of all the levies of said corporation of what nature soever. He shall be a peace officer, and it shall be his duty to report to the president all violations and infractions of any of the penal regulations of the corporation, which may come to his knowledge. authoriff as the marshal in little cares, and to care

SEC. 14. The annual assessors shall, at or before the second meeting of the president and trustees, make out a correct roll of the names of all persons and property, or species thereof, assessed, arranged in alphabetical order, and deliver the same to said president and trustees. if in session, or to the clerk if in recess. And said clerk shall, within ten days after such meeting make out and deliver to the marshal a copy thereof, with the amount of taxes annexed to each person's name, respectively, and also a precept in the name of the president and trustees, authorizing him to proceed in the collection of the same, in the same manner as collectors of the State and county revenue, are directed to proceed by virtue of precepts issued and directed to them by

the clerk of the circuit court.

SEC. 15. It shall not be lawful for any person or persons within the bounds of the corporation, to sell by a less quantity than one quart at a time, any spiritous liquors, foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons shall, in addition to a license obtain from the board of county commissioners, obtain a license from the corporation, who is hereby authorized to grant the same to such applicant for one year, on his, her, or their paying into the treasury of the corporation five dollars. And if any person or persons shall sell any spiritous liquors, or keep what is commonly called a tippling house contrary to the provisions of this act, he, she, or they so offending, shall upon conviction thereof, upon presentment, or indictment or otherwise, before any court having competent jurisdiction thereof, be fined in any sum not exceeding fifty dollars, for the use of the county seminary in said county. And for the better regulation, peace, and good government of the town, the corporation is hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting, or whatever may detract

from the peace and good order of society.

Sec. 16. The boundaries of said town of Rockport, as bordering on the Ohio river, shall be, and are hereby extended down to the very lowest water mark of said river; any person retailing foreign merchandize at the landing thereof, shall pay to the marshal of said town, for the benefit of said corporation, the sum of two dollars and fifty cents. and the marshal's receipt therefor, shall be sufficient authority for the person procuring the same, to retail foreign merchandize at said landing, for ten days immediately succeeding the date of such receipt, and no longer; and upon failure or refusal of such person to pay to the marshal the sum above required for permission to retail foreign merchandize, as above provided, then the marshal shall immediately procure from the president of the corporation, the proper process to forthwith enforce the collection of the above tax, and such cost as may accrue by action of assumsit, before the president, who is hereby authorized to try the same, and to issue all necessary process, to enforce the collection of his judgment; and that tract or parcel of land lying, and being intermediate between the plat of said town and Allen Gentry's farm, is hereby embraced in, and made a part of said corporation.

This act to be in force from and after its publication.

#### CHAPTER XIII.

AN ACT to incorporate the town of Franklin, Johnson county, Indiana.

#### [APPROVED, EEBRUARY 15, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Gilderoy Hicks, David Alexander, Lewis Morgan, Robert Gilcrees, Thomas Alexander, Jesse Williams, ane John Herriott be, and they are hereby appointed trustees of said town of Franklin to serve as such until the first Monday in April, 1839, and until their successors are chosen and qualified as hereinafter directed.

SEC. 2. That said trustees at their first meeting, shall elect a president from their own body, whose duty it shall be to preside at all meetings of the board, put questions, and upon an equal division of the board, to give the casting vote, and at the close of each days proceedings, shall sign the minutes thereof. The said trustees shall also, at said meeting, appoint all officers necessary to carry into effect the provisions of this act, and allow them such compensation as shall be

right and reasonable.

SEC. 3. The said president and trustees of said town and their successors in office shall be, and they are hereby declared to be a body politic and corporate with perpetual succession, by the name and style of the president and trustees of the town of Franklin, and by their corporate name shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of competent jurisdiction, and shall have power to make and use a common seal, and break, alter or amend the same at pleasure, to ordain and order, and put in execution and effect such by laws, rules and ordinances as may be necessary and proper for the benefit and convenience of the citizens of said town; and shall also have power to adopt and put in force such laws, ordinances and regulations as they shall deem necessary for the good government and order of said town, subject however to the restrictions and provisions hereinafter provided, and not inconsistent with the laws of this state and the United States.

SEC. 4. The said president and trustees shall have power to lay off said town into as many wards as they may deem necessary, and on the first Monday of April, 1839, and annually thereafter there shall be an election held at some convenient place in said town, to be made publicly known by said president and trustees, to elect by ballot seven trustees for said town, at which election each citizen who shall have the qualification of a voter for state and county officers and shall have resided within said town three months next prior to said election, shall be entitled to vote; ten days previous notice of said election shall be given by said president and trustees, by publishing the same in a newspaper in said town, or by putting up three manuscript advertisements thereof in the most public places in the town.

SEC. 5. Previous to the annual elections, the president and trustees shall appoint an inspector of all elections for the ensuing year. whose duty it shall be to attend the same and call to his assistance two other qualified voters of said town, to serve as judges of said election; and they shall appoint clerks of the same, all of whom shall. after being sworn or affirmed, proceed to receive the votes between the hours of twelve and four o'clock of said day: Provided always, that if the said inspector on any such day of election, should be absent, the electors may choose one to act in his place: And provided also, that if the electors should fail to meet, or the president and trustees shall fail to give notice of any election, the corporation shall not thereby be dissolved, but the president and trustees then in office, shall continue in office until their successors are elected at an annual meeting of the electors.

SEC. 6. The inspector and judges of said election under their hands and seals shall certify the seven persons who received the highest number of votes, which certificate shall be filed and recorded by the clerk of said corporation, who shall deliver a copy thereof to each of the persons elected, which certificate shall be sufficient authority for such persons to take their seats as trustees. The trustees thus elected. or a majority of them, shall meet within ten days after such election, and after taking an oath or affirmation, faithfully, diligently and impartially to discharge their duties as trustees, shall elect one of their body president, as in the second section of this act, in case of his absence at any meeting of the board, they shall elect a president pro tem. No person shall be eligible as a trustee, unless he be a qualified elector and also a freeholder or householder in said town. When vacancies happen by any cause they shall be filled by appointment of the trustees until the next annual election. They shall meet on their own adjournments; a majority shall form a quorum; and they shall appoint their officers, as provided in the second section of this act; and the said trustees shall be allowed fifty cents for each days services rendered by them as such.

SEC. 7. The president shall sign all laws, ordinances and decrees of a public nature, and also the records of all their by-laws, and the journals of their proceedings, and at the first meeting after the above named trustees, and annually at the first meeting after each annual election, the trustees shall elect a clerk, a treasurer and a marshal, each of whom shall serve one year, and until successors shall be chosen and qualified; they shall possess similar qualifications and take the same oath or affirmation required of trustees, and they shall also give bond payable to the said president and trustees, with security to their acceptance; the conditions of which bonds shall be that they respectively and faithfully discharge their duties, and upon a breach of said condition the president and trustees may assign the same upon the condition of said bonds or other cause, and recover a judgment against the said principal and his securities for said default, together with full costs of suit and ten per cent. damages thereon, on which judgment there shall be no stay of execution: Provided however, that the securities of any such officer may at any time surrender him up to the said president and trustees or any three of them, which surrender shall only discharge the said securities from any default subsequently thereto.

SEC. 8. The president and trustees shall have power annually to levy and collect a tax on real estate, not exceeding one quarter per cent. on its valuation; on all shows, exhibitions or amusements for gain, not exceeding fifty dollars; on any specific article of personal property, not exceeding ten cents on each hundred dollars worth thereof; and they may also levy and collect a poll tax on each of the citizens of

said town not exceeding thirty-seven and a half cents to each poll.

Sec. 9. The said president and trustees shall have power to pass such laws, ordinances and decrees as may be necessary to guard against fire, to organize fire companies and govern the same, to regulate the duty of citizens of the town in relation thereto, to regulate and govern the markets, to prevent the erection of public nuisances and remove the same, and to declare what shall be considered a public nuisance, and generally to enforce by proper penalties the observance of all laws and ordinances relative to the government and police of said town.

SEC. 10. The limits of said town shall extend to and embrace the original plat of the town of Franklin, and the out-lots, with all additions which have been or may be made thereto as the same are or may hereafter be entered of record, in the office of the recorder of Johnson county.

SEC. 11. The said president and trustees in the month of April in every year, shall appoint a lister who shall take an oath of office, and give bond and security to their acceptance, conditioned for the faithful discharge of his duties as lister, after which he shall proceed to make a fair list of all persons subject to taxation, together with the valuation of such property as the president and trustees may direct him; to list also all lots and out-lots, or parcels thereof particularly noting the number and description thereof, and whether the owner is resident or not resident; such list shall be made alphabetically; and in estimating the value of any real property the said lister shall call to his assistance two freeholders of said town, who shall be sworn faithfully to discharge their duty, when with the lister they shall proceed to value the same, which list and valuation shall be returned to the clerk of said corporation on or before the fifteenth day of May next ensuing: Provided how. ever, that should the said valuation of property be incorrect in point of amount, the said president and trustees shall have power to correct the same.

SEC. 12. The president and trustees shall in the month of May in each year levy a tax on the property so listed and returned by the lister and appoint a collector, who shall take an oath and give bond and security to be approved by said president and trustees, conditioned that he will faithfully pay over all moneys that may come to his hands as collector, to the treasurer of the corporation, or to such person as

may be authorized to receive the same; said collector shall hold his office for one year unless sooner removed.

SEC. 13. The president and trustees shall cause the clerk to make out a fair roll of all persons taxable with pells and with real and personal property, which roll shall also contain the valuation of said property, setting forth the owner's name if known, the amount chargable to each person, and on each article, and shall deliver the same to the collector on or before the first day of June in every year, and certify the amount of tax contained on such roll to the treasurer of said corporation; such list so put into the hands of the collector certified by the president and attested by the clerk shall be sufficient authority for the collector to proceed to collect the same.

SEC. 14. It shall be the duty of the collector to collect the amount of taxes due from each individual by the first day of July in each year, and to account with and pay the same to the treasurer by the fifteenth day of that month; and in all cases when taxes are not paid by the said first day of July by any individual, it shall be the duty of the collector to make the same by distress and sale of any of the personal property of the delinquent, subject to execution by the laws of this state, by giving ten days notice of the time and place of such sale, by advertisements set up in three of the most public places in said town.

SEC. 15. In all cases where the tax due cannot be made of the goods and chattels of such delinquent, it shall be the duty of the collector to make sale of the lots or fractions of lots belonging to such person, or so much thereof as will pay the tax and cost thereon by giving twenty days' notice of the time and place of such sale in a weekly newspaper published in said town, or by posting up five advertisements in the most public place in said town, in which notices he shall describe the property to be sold, the number or some other obvious and description, and shall give the owner's name, if known, and file one of said advertisements with the clerk of said corporation, to be filed by him among the records thereof. The collector by proclamation on the day of sale shall proceed to sell the lots to the highest bidder. or to the person who will pay the tax and cost due thereon for the smallest portion of said lots so offered for sale; he shall give to the purchaser a certificate of the purchase, setting forth the quantity sold, the amount paid therefor, including taxes and costs, and that said purchaser will be entitled to a deed therefor at the end of two years, unless the owner, or some person for him, shall redeem the same before that time by paying to the said purchaser or his heirs or assigns the amount of the purchase money with one hundred per cent per annum thereon. or deposit the amount with the clerk of the corporation, whose duty it shall be to make an exhibit of the same to the president and trustees at their next meeting; which if correct shall be entered of record: Provided, that nothing in this act shall be so construed as to contravene any of the provisions of the acts of the General Assembly providing for common schools.

SEC. 16. In case the owner of any lot or fractional lot so sold as aforesaid, his agent or attorney, shall not pay the amount of the pur-

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chase money with the per centum thereon aforesaid, within two years from the day of sale thereof, it shall be the duty of the collector then in office, to make a deed therefor to the purchaser, or his heirs or assigns; which deed acknowledged and recorded according to law, shall vest the right and title of said real estate in the purchaser, or his heirs or assigns, and divest the owner of his title thereto; and the assessments made on such lots shall be a lien on the same in the hands of any person who may purchase the same at private sale; and no conveyance made by the owner thereof after such assessments shall so divest him of his title thereto as to interfere with the claim of purchaser under the provisions of this act: and in all cases where lots are listed, the names of the owners of which are unknown, the sale thereof as aforesaid shall be valid to the purchasers.

SEC. 17. The collector may adjourn his sale from day to day for three days, and if at the final adjournment thereof, any lot or lots remain unsold for want of buyers, he shall make return thereof, and the amount of the taxes and cost shall be a lien thereon, and shall be added to the next year's assessment, together with one hundred per cent. thereon. The collector shall be allowed a reasonable compensation for each sale, and the certificate by him given, as herein directed, and for advertising the same.

SEC. 18. It shall be the duty of the collector to make return of his proceedings in regard to said sales, to the clerk of the corporation on or before the first day of September, in each year; and pay to the treasurer all moneys by him collected, at which time he shall also furnish a list of delinquents for which, if the same be correct, he shall receive a credit.

SEC. 19. All bonds given by the officers of the corporation and all contracts entered into with it, shall be in the name of "The President and Trustees of the Town of Franklin," and all suits commenced for the benefit of the corporation, or where the corporation shall be a defendant, shall be in the name of "The President and Trustees of the Town of Franklin," without setting forth the name of any member thereof.

SEC. 20. It shall not be lawful for any person or persons within the bounds of the corporation to sell by a less quantity than a quart, except for the use of the sick, any spirituous liquors, foreign or domestic, or keep what is commonly called a tippling shop, unless such person or persons, in addition to the license obtained from the board of county commissioners shall obtain a license from the corporation of said town, which is hereby authorized to grant the same to each applicant for one year or less, at one time, on the applicants paying into the corporation treasury a sum not less than fifty dollars, as the president and trustees may agree upon: Provided, That upon petition of two-thirds of the legal voters of said town to that effect, said trustees shall not be at liberty to grant any such license. And if any person shall sell any spirituous liquors, or keep what is commonly called a tippling shop, contrary to the provisions of this act, the person so offending, shall upon conviction thereof by action of debt, or upon the case brought by the

president and trustees, against him before a justice of the peace or any court having competent jurisdiction thereof; pay any sum of money not more than one hundred nor less than fifty dollars, for every violation of the provisions of this section; and shall, upon conviction by presentment or indictment, (in which indictment it shall not be necessary to recite this act,) in any court of competent jurisdiction, and be fined in any sum not more than fifty nor less than five dollars, for the use of the county seminary. And for the better regulation of the peace and good government of said town, the president and trustees are authorized to pass laws and ordinances, for the suppression of immorality, intoxication, rioting, or whatever may detract from the peace and good order of society. And for the purpose of carrying the provisions of this act into effect, the marshal of said town, whose appointment is herein before provided for, shall be a conservator of the peace.

SEC. 21. All laws and ordinances passed by the president and trustees of a public nature, shall be published either in a newspaper printed in the town, or by setting up three copies thereof in some public place therein, ten days before the same shall be in force, and it shall be the duty of the president and trustees in the month of March, in each year, to cause a full statement of all receipts and expenditures for the past year to be published as above.

This act shall take effect and be in force from and after its passage.

#### CHAPTER XIV.

AN ACT to incorporate the Town of Raysville.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That R. M. Cooper, Joel Pusey, Harvey Pierson, John T. White and William Picket be, and they are hereby appointed trustees of the corporation of the said town of Raysville, to serve as such for the space of one year from the first Monday of May, 1838, and until their successors are elected and qualified.

SEC. 2. That the said trustees at their first meeting after the passage of this act, shall elect a president from among their own body, whose duty it shall be to preside at all meetings of the board, and preserve order, put all questions, and upon equal division of the board, give the casting vote, and at the close of each meeting, appoint all officers necessary to carry into effect the provisions of this act, and make such compensation as to them shall appear reasonable and right.

SEC. 3. That the said president and trustees of said town, and their successors in office, shall be and the same are hereby declared to be

a body politic and corporate, with perpetual succession, by the name and style of "The President and Trustees of the Town of Raysville," and by that corporate name, shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of competent jurisdiction; to make, use, and have a common seal, and the same to break, alter, and amend at pleasure; to ordain, establish, and put into execution, by-laws, rules, and ordinances necessary and proper for the benefit and convenience of the citizens of said incorporated town; and shall also have power to adopt and put in force such laws, ordinances and regulations, as they shall deem necessary for the police, good government, and order of the town hereby incorporated, subject, however, to the restrictions, limitations, and provisions hereinafter provided, not inconsistent with the laws and constitution of this State, and of the United States.

SEC. 4. That the said president and trustees, or a majority of them, shall have power to lay off said town into as many wards as they may deem necessary, and on the first Monday in May, 1839, and annually thereafter, there shall be an election held at some convenient place in said town, to be designated by the said president and trustees, to elect by ballot seven trustees for said corporation, at which election, each white male inhabitant of said town, who shall have the qualifications of a voter for State and county officers, and shall have resided within the bounds of the said corporation, three months next preceding said election, shall be entitled to a vote at the same; ten days previous notice of which election shall be given by the president and trustees aforesaid, by publishing the same in some newspaper printed in said town, (if there be one,) otherwise by putting up written notices thereof in three of the most public places in said town, designating the time and place, when and where said elections are to be holden.

SEC. 5. The president and trustees at their meeting preceding the annual elections shall appoint an inspector of all elections whose duty it shall be to attend the same, and call to his assistance two other qualified voters, who shall be judges of said elections, and they shall appoint two clerks of the same, all of whom, after being sworn or affirmed to a faithful discharge of their duties as such, shall proceed to receive the votes between the hours of ten o'clock, A. M., and four o'clock, P. M., on said day: Provided, however, That if the said inspector shall not be present, the electors may choose one to act in his place at such election: And, provided also, That if the electors should fail to meet, or the president and trustees fail to give notice of any election, the corporation shall not thereby be dissolved, but the president and trustees then in office shall continue until others, their successors, are elected at an annual meeting of the electors.

SEC. 6. It shall be the duty of the inspector and judges of such election to certify under their hands and seals the seven persons who receive the highest number of votes, which certificate shall be filed and put on record by the clerk of the corporation, whose duty it shall be to deliver a copy thereof to each of the seven persons returned,

which certificate shall be sufficient authority for such person to take his seat as a trustee. The trustees thus elected, or a majority of them, shall meet within ten days after such election, and after taking an oath or affirmation, faithfully, diligently, and impartially to discharge their duties as trustees, shall elect one of their body to preside as in the second section of this act; in case of his absence at any meeting of the board, they shall appoint a president pro tempore. No person shall be eligible as a trustee, unless he is a qualified elector, and also a freeholder within the bounds of the corporation. When vacancies happen by death, or resignation, or otherwise, such vacancies shall be filled by appointment of the trustees, until the next annual election. A majority of the trustees shall at all times form a quorum; they shall meet on their own adjournments, and appoint their officers as in the second section of this act.

SEC. 7. It shall be the duty of the president to sign all laws, ordinances, and decrees of a public nature, and also to sign the records of all their by-laws, and journals or minutes of their proceedings; and at the first meeting of the president and trustees, after the taking effect of this act, and after each annual election, or as soon thereafter as may be convenient, they shall proceed to elect or appoint a clerk, a treasurer, and marshal, each of whom shall serve one year, or until their successor shall be chosen and qualified; and they shall possess the same qualifications as trustees, take a similar oath, and give bond and security, payable to the president and trustees, conditioned for the faithful discharge of their duties respectively; and on failure to perform all or any of the conditions of said bond, they and their securities shall be liable to the suit of the president and trustees aforesaid, who may assign breaches upon the conditions of said bond, or other cause, and recover a judgment for any default in the discharge of the duties of such officer, together with full costs, and ten per centum damages thereon, in any court having jurisdiction of the same, and on which judgment there shall be no stay of execution.

SEC. 8. The president and trustees shall have power to levy annually, and collect a tax on real property not to exceed one per cent. on its valuation, exclusive of improvement. And on all shows, exhibitions, or amusements, which may be exhibited for gain, not less than three, or more than ten dollars for each exhibition; and may levy a tax on any specific article, or articles of personal property; and in addition to the above, the said president and trustees may levy and collect a tax on real property not exceeding one half per cent. on its valuation, either including or excluding improvements, at the discretion of the said president and trustees, for the purpose of purchasing a fire

engine.

SEC. 9. The president and trustees shall have power to pass such laws, ordinances, or decrees as may be necessary to guard against damage by fire; to organize fire companies, and govern the same; to regulate the duty and conduct of the citizens of the town in relation thereto; to regulate and govern the markets; to prevent the erection of public nuisances, and remove the same; to declare what shall be a public

nuisance, and generally to enforce by proper penalties the observance of all laws and ordinances relative to the police and government of

the said incorporated town.

SEC. 10. The limits of the corporation shall extend to and embrace the plat of the town of Raysville, including the out-lots, with any addition or additions, which have been or may hereafter be made thereto, as the same is, or may hereafter be entered of record, in the re-

corder's office of said Henry county.

SEC. 11. The president and trustees shall in the month of April of each year, appoint a lister who shall take an oath of office, and give bond and security, to be approved by the said president and trustees, conditioned for the faithful discharge of his duties as lister, after which he shall proceed forthwith to make a fair list in alphabetical order of all persons subject to tax, together with such property as the president and trustees may direct him to list; also of all lots, or fractional lots, particularly noting the number and description thereof, the owner's name if known, and whether resident or non-resident. After having completed such assessment, he shall call to his assistance two freeholders who having been sworn faithfully and impartially to value the real property exclusive of improvements so listed, shall with the lister proceed to value the same, and such lister shall on or before the fifteenth day of May next succeeding, make return to the clerk of the corporation of such list and assessment.

SEC. 12. The president and trustees shall in the month of May in each year, levy a tax on the property so listed and returned by the lister, and appoint a collector, who shall take an oath, and give bond and security, to be approved of by the president and trustees, conditioned that he will faithfully pay over all moneys that may come into his hands as collector, to the treasurer of the corporation, or to such person as may be authorized to receive the same. Said collector shall

hold his office one year unless sooner removed.

SEC. 13. The president and trustees shall cause the clerk to make out a fair list of all persons taxable, with personal property, and with real property, with its valuation, setting forth the owner's name if known, the amount of tax charged to each person, and the amount charged on each article, and shall deliver the same to the collector on or before the first day of June annually, and certify the amount of tax contained on such list to the treasurer. Such list so put into the hands of the collector, certified by the president and attested by the clerk, shall be sufficient authority for the collector to proceed to collect the same.

Sec. 14. It shall be the duty of the collector to receive the amount of taxes due from each individual on or before the first day of July in each and every year, and to account and pay the same over to the treasurer immediately; and in all cases when the taxes assessed are not paid by that time by any individual, it shall be the duty of the collector to proceed and collect the same by distress and sale by any of the personal property of such delinquent subject to execution by the laws of this state, by giving ten days notice of the time and place of such sale,

by advertisements set up in three of the most public places in said corporated town.

SEC. 15. In all cases where the tax due and owing, cannot be made of the goods and chattels of such delinquent, it shall be the duty of the collector to make sale of the lots or fractions of lots belonging to such person, or so much thereof as will pay the tax and costs due thereon, by giving twenty days notice of the time and place of such sale in some weekly newspaper published in said town, or by posting up five written notices in the most public places in said town, in which notices he shall describe the lot or lots to be sold by their proper number, or some other certain description, with the owner's name, if known, or the person's name to whom it is supposed to belong, and file one of said advertisements with the clerk of said corporation, to be filed by him amongst the records of said corporation. The collector shall on the day of sale, by proclamation proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and costs due, for the smallest portion of the lot or lots so offered for sale, and shall give to such purchaser a certificate of such purchase, setting forth the quantity sold, the amount paid, including tax and costs; and that said purchaser will be entitled to receive a deed for the same at the end of two years, unless the owner, or some person for him, her or them shall redeem the same on or before that time, by paying to said purchaser, his her, or theirheirs or assigns, the amount of the purchase money with one hundred per cent. thereon, or deposite the amount with the clerk of the corporation, whose duty it shall be to make an exhibit of the same to the president and trustees at their next meeting, which, if correct, shall be entered on record: Provided however, that nothing in this act shall be so construed as to contravene any of the provisions of "an act to provide a fund for common schools," approved

Sec. 16. In case the owner of any lot or fractional lot so sold as aforesaid, his, her, or their agent or attorney shall not pay the amount of the purchase money with the per centum thereon as aforesaid, within two years from the day of sale thereof, it shall be the duty of the collector then in office, to make a deed to the purchaser, his, her, or their heirs or assigns, for such lot or fraction of lot, which deed acknowledged and recorded agreeably to law, shall vest the right and title to said real estate in the purchaser, his heirs or assigns, and divest the owner or owners of any title thereto; and the assessment made on such lot or lots shall be a lien on the same in the hands of any person who may purchase the same at private sale, and no conveyance made by the owner of said lot, after the time of such assessment, shall so divest the owner thereof of the title to said lot as to interfere with the claim of a purchaser under the provisions of this act: Provided, that in all cases where lots are listed and the owner's name not known, such sale shall

be valid and good to the purchaser.

February 2d, 1832.

SEC. 17. The collector may adjourn his sale from day to day, for three days, and if at the final adjournment of his sale, at any time, any lot or lots should remain unsold for want of buyers, he shall make return

thereof, and the amount of taxes and costs shall remain as a lien upont such lot or lots, and shall be added to the next year's assessment, together with one hundred per centum thereon. The collector shall be allowed a fee of fifty cents for each sale and certificate, and the expense of advertising the same.

SEC. 18. It shall be the duty of the collector to make return of his proceedings and the sales made to the clerk of the corporation on or before the first day of September annually, and pay over to the treasurer all moneys by him collected, at which time he shall furnish a list of delinquents, for which he shall receive a credit, if deemed correct and true.

SEC. 19. All bonds given by the officers of the corporation, and all contracts entered into with the corporation shall be in the name of the president and trustees of the town of Raysville, and all suits commenced for the benefit of the corporation, or where the corporation shall be defendant, shall be in the name of the president and trustees of the town of Raysville, without setting forth the name of any member thereof.

SEC. 20. It shall not be lawful for any persons within the bounds of the corporation to sell by less value than one quart, except for the use of the sick, any spiritous liquors, foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons shall, in addition to a license obtained from the board of county commissioners, or the board doing county business, obtain a license from the corporation, who is hereby authorized to grant the same to such applicant for one year or less at one time, on his, her, or their paying into the treasury of the corporation, a sum not less than ten nor more than fifty dollars, at the discretion of the president and trustees of said town. And if any person or persons shall sell any spiritous liquors or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she, or they, so offending, shall upon conviction thereof, in an action of debt, or on the case, brought by the president and trustees against the offender or offenders, before a justice of the peace or any court having competent jurisdiction, recover any sum of money not more than twenty nor less than three dollars for any violation of this section, and shall upon conviction thereof by presentment or indictment (in which indictment it thall not be necessary to recite this act) in any court of competent jurisdiction, be fined in any sum not more than fifty, nor less than ten dollars, for the use of the county seminary. And for the better regulation of the peace and good government of the town, the said president and trustees are hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting, or whatever nay detract from the peace and good order of society; and for the purpose of carrying into effect the provisions of this act, the said president and trustees are hereby authorized to appoint a marshal for that purpose, who shall take on oath of office and be a peace officer.

SEC. 21. Whenever the owner of any lots, on any street or sec-

tion of a street, shall be desirous of making any improvement on the same by grading, gravelling, or paving said street or side walks, thereof, or any other improvement on said street or side walks, two-thirds of the owners of lots on said street or section of street by themselves, their tenants or occupants thereof, representing two thirds of the whole number of feet on each side of said street, or section of street, or two-thirds of the whole number of feet on one side of any side walk, and shall by petition represent to the president and trustees of said town, plainly and distinctly the improvement wanted or contemplated to be made, it shall be the duty of the president and trustees to cause the same to be done in the best and most economical manner, agreeably to the wish of the petitioners; and the expense of such improvement shall be assessed and levied on all the lots fronting on said street or section of street, equal per foot for the distance such improvement may be intended to extend; which assessment and levy from the time of making the same, shall be and remain a lien upon said lot or lots, until the amount so assessed and levied shall be fully paid and discharged. It shall be the duty of the clerk of the corporation, to enter such petition on record with the petitioners' pames, the number of feet front owned or represented by each, and shall make out and deliver to the collector of the corporation, a list of the owner's names, the number of feet front owned by each individual, the rate of expenses on each lot for such improvement, and the whole amount assessed and levied on each lot or fraction of lot; which list, signed by the president and attested by the clerk, shall be sufficient authority for the collector to proceed and collect the same, and if the owner or occupant of any lot, or part of lot, shall neglect or refuse to pay the amount so assessed and levied, within three months after such levy, the collector shall proceed to collect the same by sale of such lot, or part of a lot, or so much thereof as will pay the amount so levied, and in such sale and conveyance to the purchaser thereof, he shall in all respects be governed by the fifteenth and sixteenth sections of this act, and the right of redemption shall be the same as is provided by the fifteenth section of this law. And if any such lot or fraction of lot shall not sell for want of buyers, or any other legal cause, the same may be re-offered by such collector from time to time until the same shall be sold, adding the costs that may accrue at each time for advertising, &c. and the collector shall be entitled, in addition to the cost of advertising, to the same fee for such sale as he is allowed in the seventeenth section of this act for making sale and certificate; and for making a deed to any real estate sold under the provisions of this act, the collector making the same, shall be allowed fifty cents, and twenty-five cents for having the same acknowledged, to be paid by the person receiving said deed.

SEC. 22. All laws and ordinances passed by the president and trustees, of a public nature, shall be published either in a newspaper printed in the town, or by setting up in three of the most public places in the corporation, written copies thereof, ten days before the same shall be in force; and it shall be the duty of the president and trus-

tees in the month of March, in each and every year, to cause a full statement of all receipts and expenditures of the past year to be published, by posting up two copies thereof, in public places in the corporation, or by publishing the same in some newspaper printed in town.

SEC. 23. It shall be the duty of the marshal to pay over all monies by him collected, by virtue of his office, to the treasurer of the said corporation, within five days after receiving said sum or sums of money,

This act shall take effect and be in force from and after its passage.

#### CHAPTER XV.

AN ACT to incorporate the town of Lebanon in the county of Boon.

### [APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Samuel S. Brown, John S. Forsyth, William Zion, Michael Witt, and Josiah C. Lane, they and their successors in office be, and they are hereby constituted a body politic and corporate under the name of the trustees of the town of Lebanon, with full power to sue and be sued, plead and be impleaded, in any court having competent jurisdiction in this state. The trustees above named shall hold their office until the first Monday in May, 1839, and until their successors in office

are elected and qualified as hereinafter directed.

SEC. 2. The limits of the corporation of said town for the purposes of taxation and police, shall extend and embrace the plat of said town of Lebanon, including the out-lots, with any addition or additions which may have been or may hereafter be made to said plat, as the same is or hereafter may be entered or extended of record in the recorder's office of the county of Boon; and for the purpose of police, good government, and for the removal of nuisance, working on roads, suppression of gambling, rioting, horse racing, tippling, and other immoral and improper conduct, the limits of said corporation shall extend one half mile in every direction from the centre of the court house square in said town: Provided, however, it shall be the duty of those liable to work on public roads and highways within the bounds aforesaid, to perform under the direction of the proper officer of said corporation the quantum of labor now required by law within the bounds of the half mile aforesaid: Provided, further, that that part of the citizens aforesaid who do not reside within the bounds of the town plat or its additions shall not be called upon to perform labor to improve the streets or alleys, or otherwise improve the condition of said town.

SEC. 3. That the powers, duties and restrictions of said corporation, are in all respects the same as the powers, duties, and restrictions of the corporation created by an act entitled an act to incorporate the town of Bellville, Hendricks county, approved February 8th, 1836; Provided, the trustees appointed in the first section of this act shall perform the duties required in the fourth section of the act hereby adopted on the first Monday in May, 1838, and annually thereafter there shall be an election held in some convenient place in said town of Lebanon for the election of trustees as contemplated by the fourth section of the act hereby adopted.

This act to take effect and be in force from and after its passage.

## CHAPTER XVI.

AN ACT to incorporate the town of New Washington, in Clarke County.

## [APPROVED, JANUARY 14, 1838.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Samuel L. Adair, Robert Tilford, James McHenry, Francis Ratts and Wm. Robinson, Joseph Bower and Andrew Bower, of the village of New Washington, be, and the same are hereby appointed trustees of said town, to serve as such until the first Monday in January, 1839, and until their successors are elected and qualified, as here-

after provided.

SEC. 2. That the said trustees shall hold their first meeting on the first Monday in February, 1838, and shall choose a president from among their own body, who shall preside at all meetings of the board, preserve order, put all questions, and upon an equal division, give the casting vote; and at the close of each meeting, shall sign the minutes of the same. And the board at such meeting, shall appoint a clerk, assessor, collector, treasurer and supervisors, and shall make such other regulations as shall be necessary to carry into effect the provisions of this act.

SEC. 3. I hat the said president and trustees of said town, and their successors in office, are hereby declared a body corporate and politic, with perpetual succession by the name and style of "President and Trustees of the Town of New Washington," and by the corporate name shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of competetent jurisdiction; and shall have power to make, ordain, and put in execution all rules, by-laws, and ordinances necessary and proper for the convenience and benefit of the citizens of the said town; and also all ordinances and regulations necessary for the police, good government, and order of said town, not inconsistent with the future provisions of this charter, with the constitution and laws of this State, and with the constitution and laws of the United States.

SEC. 4. That the said president and trustees shall cause an election to be held on the first Monday in January, 1839, and annually thereafter, for the purpose of electing five trustees for said town, at some convenient place, for which public notice shall be given in such manner as said board of trustees shall direct; at which election every white male person, resident in said town, and a qualified voter at other elections, shall be entitled to vote; and the five persons having the highest number of votes shall be declared duly elected.

SEC. 5. The president of the board of trustees for the time being shall attend all elections for officers of the corporation, and nominate in the presence of the voters assembled, under such regulations as shall be prescribed by the board an inspector, two judges, and one clerk of said election, who shall, after taking an oath, or affirmation for the faithful dischage of their duties, which the said president is

hereby authorized to administer, shall between the hours of ten o'clock, A. M., and four o'clock, P. M., hold said election.

Sec. 6. It shall be the duty of the inspector of said election to certify, under his hand and seal, the persons having the highest number of votes, which certificate shall be filed and put on record by the clerk: which shall be sufficient authority for such persons to take their seats as trustees. The trustees thus elected, shall, before taking their seats as such, take an oath or affirmation for the faithful discharge of their duties. All qualified voters shall be eligible to the office of trustees. When vacancies occur, they shall be filled by an appointment by the board, until the next annual election. A majority of the board shall form a quorum for the transaction of business; they shall sit on their own adjournments, and in the absence of their president shall appoint one pro tempore.

SEC. 7. It shall be the duty of the president to sign all the ordinances, decrees, and proceedings of said board; and at their first meeting they shall elect by ballot, a clerk, treasurer, assessor, and collector, all of whom shall serve one year, and until their successors are chosen and qualified, and shall give such bond and security as shall be approved of by the board, recoverable at the suit of said board, before any

court having competent jurisdiction.

SEC. 8. The president and trustees shall have power to lay and collect, annually, a tax on real and personal property, not to exceed one-fourth per centum on the valuation thereof; and on all shows, exhibitions, or amusements, exhibited for gain, any sum not to exceed ten dollars, for the benefit and improvement of said town.

SEC. 9. The board shall have power to pass such ordinances and gecrees as may be necessary to guard against damage by fire, to ordanize fire companies and govern the same; to regulate and govern the markets; to remove public nuisances; to declare what shall be

considered a public nuisance, and generally to enforce by proper penalties all laws and ordinances relative to the police and government of said town.

Sec. 10. The limits of the corporation shall extend to, and embrace the plat of the town of New Washington, including the out lots, with any additions which have been or may hereafter be made thereto, as the same is or may hereafter be entered of record in the recorder's

office of the county of Clarke.

SEC. 11. It shall be the duty of the collector to collect the amount of taxes due from each individual on or before the first day of September in each and every year, and account and pay the same over to the treasurer immediately; and in all cases where the taxes assessed are not paid by the time, by any individual, it shall be the duty of the collector to proceed and collect the same by distress and sale, of any of the personal property of such delinquent, subject to execution by the laws of this state, by giving ten days notice of the time and place of such sale, by advertisement in three of the most public places in said corporation.

Sec. 12. In all cases where the taxes due cannot be made of the goods and chattels of such delinquents, or where the property taxed belongs to non-residents, it shall be the duty of the collector to make sale of the lots or fractions of lots belonging to such persons, or so much as will pay the taxes and costs due thereon, by giving notice of the time and place of such sale, in some weekly newspaper published in said county of Clarke, which shall describe the lot or lots to be sold by their proper number, with owner's names, if known, and if not, the name of the person to whom it is supposed to belong, and to file a copy of said advertisement, with the clerk of said corporation, to be by him filed with the records of the same; the collector shall, on the day of sale, proceed to sell said lot or lots to the highest bidder, or to the person who will pay the taxes and costs due thereon, for the smallest portion of the lot or lots so offered for sale, and shall give such purchaser a certificate of such sale, setting forth the quantity sold, the amount paid, including taxes and costs; and that said purchaser shall be entitled to receive a deed for the same, at the end of two years from the date of such certificate, unless the owner or owners of such property or some person for him, her, or them, shall redeem the same before that time, by paying to said purchaser, his, her, or their heirs or assigns, the amount of purchase money, with fifty per centum per annum thereon, or deposite the same with the clerk of the corporation, who shall make an exhibit of the same to the president and trustees at their next meeting, which shall be entered on record.

SEC. 13. In case the owner of any lot or fractional lot sold as aforesaid, his, her or their agent or attorney shall not pay the amount of the purchase money with the per centum thereon as aforesaid within two years from the day of sale, thereof, it shall be the duty of the collector then in office to make a deed to the purchaser, his, her or their heirs for such lot or fraction of lot, which deed acknowledged according to law, shall vest the title of such real estate in the purcha-

ser, his heirs and assigns, and divest the owner or owners of any title thereto, and the assessment made on such property shall be a lien on the same in the hands of any person who may purchase the same at private sale; and no conveyance made by the owner of such after the time of such assessment shall so divest the owner thereof of the title to said lot as to interfere with the claim of a purchaser under the provisions of this act.

SEC. 14. It shall not be lawful for any person within the bounds of the corporation to sell a less quantity than a quart, except for the use of the sick, any spiritous liquors, foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons first obtain from the board in addition to the license required to be obtained from the county court, a license from the corporation, which it is hereby bound to grant to such person on his or her paying into the treasury any sum not exceeding ten dollars, at the discretion of the board of trustees of said town; and any person or persons selling any spiritous liquors, or keeping what is commonly called a tippling house within the limits of said town contrary to the provisions of this act, he, she or they so offending, upon conviction thereof before any court having competent jurisdiction shall pay a fine for the use of the county seminary of Clark county of any sum not exceeding ten dollars nor less than two dollars.

SEC. 15. All laws and ordinances passed by the president and trustees of a public nature shall be published either in a newspaper published in the county or by posting up copies of the same in three of the most public places in said town, ten days before the same shall be in force. And it shall be the duty of the board in the month of January in each and every year, to cause a full statement of all receipts and expenditures for the past year to be posted up in two of the most pub-

lic places in the corporation.

Sec. 16. That all the persons within the bounds of said town are hereby exempt from paying a road tax upon personal property or for personal privileges: Provided however, that all persons within the limits of said corporation subject to work on roads shall be required to labor a full equivalent upon the streets and alleys, and one quarter of a mile from the limits of said corporation on each and every road leading therefrom, under the direction of the town supervisors, and for every failure so to do, shall forfeit and pay the sum of seventy-five cents for each day, to be recovered before any justice of the peace in the township.

SEC. 17. That it is hereby made the duty of the justice of the peace and constables of said town of New Washington to have and maintain jurisdiction under, and to enforce all by-laws and ordinances of said board of trustees, not inconsistent with the constitution and laws of this state, for which said justices and constables shall be entitled to the same fees as are allowed for similar services in other cases.

This act to take effect and be in force from and after its passage.

#### CHAPTER XVII.

AN ACT to incorporate the City of Logansport.

[APPROVED FEBRUARY 17, 1838.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the district of country included in the following described limits shall forever be known as the city of Logansport, subject however to be enlarged as the said city shall increase in territory and population, viz: Beginning at the north west corner of Eel township, as at present described and defined by the board of commissioners for Cass county, and recorded in the office of the clerk of said county; running thence in a southerly direction to low water mark on the south bank of the Wabash river; thence up and parallel with the south bank of said river to a point opposite the eastern boundary line of Eel township as above mentioned; thence north to the south east corner of said township; thence along said eastern boundary line to the northern boundary line of said township; and thence along said northern boundary line to the place of beginning.

r SEC. 2. The inhabitants of said city shall be a corporation by the name and description of the city of Logansport, and by their corporate name shall be able and capable in law and equity to sue and be sued, to plead and be impleaded, to answer and be answered unto, defend and be defended in any and all courts of competent jurisdiction, and shall have power to make and use a common seal, and the same to break, alter and amend at pleasure, to take, hold, purchase and convey such real and personal estate as the purposes of the corporation may require, not exceeding in value at any one time, twenty thousand dollars.

SEC. 3. That Robert B. Stevenson, N.O. Grover, Cyrus Taber, James H. Kintner, J. B. Eldridge, Samuel B. Linton, Alexander S. Eason and S. S. Tipton or a majority of them shall be the inspectors of the first election to be held under this act, which election shall be held at the office of the clerk of Cass county in the city of Logansport on the first Tuesday of April next, at which election any person competent to vote at the general state elections, and having resided for the twelve monthsl ast past within said city, having been assessed and paid a tax, shall be entitled to vote thereat.

SEC. 4. On the first Tuesday in April next and annually forever thereafter, there shall be chosen one mayor, one recorder, five aldermen and one treasurer, by ballot; each person offering to vote shall deliver his ballot so folded as to conceal the contents to one in the presence of the other inspectors of said election.

SEC. 5. The ballot shall be a paper ticket, on which shall be written or printed, the names of the persons for whom the elector intends

to vote, and shall designate the office to which the person so named, is intended by him to be chosen, but no ballot shall contain a greater number of names as designated to any office, than there are persons to

be chosen to fill such office.

SEC. 6. The poll of which election, and all subsequent elections, beld in pursuance of this act shall be opened at ten o'clock in the forenoon, and continue open until four o'clock in the afternoon of the same day, and no longer. Poll lists shall be kept in the same manner, as nearly as may be, as is provided by law for keeping poll lists at the

general elections.

SEC. 7. Every person offering to vote at such election, shall if required by any person qualified to vote thereat, before he is permitted to vote, take the following oath, to be administered by one of the inspectors of said election: "You do swear (or affirm) that you are a citizen of the United States, of the age of twenty-one years, that you have for the last twelve months been, and now are a resident of the city of Logansport, have been assessed therein and paid a tax:" Provided, that nothing herein contained shall prevent the common council from directing and having the election held in each ward of said city, in such manner and under such restrictions as they may think proper when they shall deem it necessary or expedient.

SEC. 8. After the poll of any election is closed, the inspectors holding the same in the said city or in each of said wards therein as the case may be, shall on the same or next day, canvass and estimate the votes given at such election. The canvass shall be public and shall commence by a comparison of the poll lists, and a correction of any mistakes that may be found therein, until they shall be found or made to agree. The ballots shall be counted unopened, except so far as to ascertain that each ballot is single, and if two or more ballots shall be found so folded as to present the appearance of a single ballot they

shall be destroyed.

SEC. 9. If the ballots shall be found to exceed in number the whole number of votes on the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw out and destroy so many ballots unopened, as shall be equal to such excess. The ballots and poll lists being found or made to agree; the inspectors holding such election, shall then proceed to canvass and estimate the votes.

SEC. 10. The canvass being completed, a statement of the result shall be drawn up in writing by the inspectors which they shall certify to be correct, and subscribe with their names, and file the same with the recorder of said city on the same or the next day after the canvass shall be completed. The certificates of the inspectors shall designate by name, the persons who are by the greatest number of votes elected mayor, recorder, aldermen and treasurer.

SEC. 11. After the first election held under this act, the common council shall appoint three persons as inspectors of election (and in case of ward elections, then three inspectors for each ward), who shall give public notice in the newspaper or papers printed in said city, at least fifteen days previous to the day of the annual election or of any

special election of the place or places for holding the same.

SEC. 12. All officers elected under this act at the annual election. shall enter on the duties of their respective offices, on the second Tuesday in April in each year, and hold the same for one year, and until others shall be elected and sworn. It shall be the duty of all officers elected or appointed in pursuance of this act, before entering on the duties of such office, to appear before some proper officer, authorized to administer oaths, and take and subscribe the oaths prescribed by the eleventh article of the constitution of this state, and file the same in the office of the recorder of said city.

SEC. 13. Vacancies in the offices of Mayor, recorder, alderman, or treasurer, caused by death, removal, or otherwise, may be filled at a special election, called and appointed by the common council, and conducted in the same manner as an annual election. Vacancies in all other

offices shall be filled by appointment of the common council.

Sec. 14. Any person having been an officer in said city who shall not within ten days after notification and request deliver to his successor in office all the property, papers and effects of every description in his possession belonging to said city or appertaining to the office he held, he shall forfeit and pay for the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver.

SEC. 15. The mayor, recorder, and aldermen, shall constitute the common council for said city. The mayor shall be president of said council and preside at all their meetings when present, but shall only vote in case of a tie in the council, in the absence of the mayor any member of the common council may be appointed president for the

time being.

SEC. 16. The common council shall meet annually, at such place as they may appoint, on the second Tuesday in April, and by ballot appoint one or more assessors, one attorney, one street commissioner, one high constable, one or more police constables, one clerk of the market, one or more collectors, one or more measurers of grain, lumber, wood, coal and lime; a flour inspector, a guager, a sealer of weights and measures, a weigher of hay, a scavenger, and a common crier or bell man: Provided however, that the said common council shall appoint such of the above officers only at the time above mentioned as the necessities and interests of said city may require.

SEC. 17. The treasurer, street commissioner, and collector or collectors of said city, shall severally, before they enter on the duties of their respective offices, execute a bond to the city of Logansport in such sum and with such sureties as the common council shall approve, conditioned that they shall faithfully execute the duties of their respective offices, and account and pay over all moneys received by them respectively; which bonds, with the approval of the common council, thereon, certified by the recorder, shall be filed in the office of said re-

corder of said city.

SEC. 18. Every person appointed to the office of high constable or

police constable, in said city, shall, before he enters on the duties of his office, with two or more sureties, to be approved by the common council, execute in the presence of the recorder of the city, an instrument in writing by which such constable and sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as the said constable may become liable to pay by reason or on account of, any precept, execution or distress warrant, which shall be delivered to him for collection. The recorder of the city shall certify the approval of the common council on such instrument, and file the same in his office, and a copy of such instrument. certified by the recorder under the corporate seal, shall be presumptive evidence in all courts of the execution thereof by such constable and his sureties. All actions on any such instrument, shall be prosecuted within two years after the expiration of the year for which the constable named therein, shall have been elected or appointed, and may be brought in the name of the person or persons entitled to the money to be collected by virtue of such instrument.

SEC. 19. The Mayor of said city is hereby created a conservator of the peace with jurisdiction equal in all respects with justices of the peace in all cases arising under the laws of this state, except in civil cases, this act or any of the ordinances which the common council may ordain and establish. And the high constable, and the constables of police, or either of them are hereby made officers of the mayor's court with all the privileges and immunities of constables. Appeals may be taken from the judgment of said mayor in the same manner as from that of a justice of the peace, and the said mayor is to all intents and purposes to be governed by the law regulating the duties of justices of the peace, and entitled to the fees of office allowed by law to justices of the peace. The mayor shall have power to compel the attendance of any or all of the aldermen of said city by a warrant signed by himself as mayor and having the seal of the city, which warrant shall be served by any one of the officers of his court, and for comtempt of his warrant the mayor shall have power to inflict a fine not exceeding fifty dollars on any person so offending to be collected as other fines imposed under this act.

SEC. 20. The recorder shall keep the corporate seal and all the papers belonging to said city and make a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced.

SEC. 21. The treasurer shall receive all moneys belonging to the city, and keep an accurate account of all receipts and expenditures in such manner as the common council shall direct. All moneys drawn from the treasury shall be in pursuance of an order of the common council by warrants signed by the mayor or presiding officer of the common council for the time being and countersigned by the recorder, such warrants shall specify for what purpose the amount specified

therein is to be paid; and the recorder shall keep an accurate account of all orders drawn on the treasury, in a book to be provided for that purpose. The treasurer shall exhibit to the common council, at least fifteen days before the annual election, in each year, a full account of receipts and expenditures, also the state of the treasury, which account shall be filed in the office of the recorder.

SEC. 22. It shall be the duty of the street commissioner to superintend the making of all public improvements ordered by the common council, and to make contracts for the work and materials which may be necessary for the same, and shall be the executive officer to carry into effect the ordinances of the common council as regards the opening, paving, and repairing any street, alley, lane, road, highway, wharf within said city, and shall keep accurate accounts of all moneys expended by him in the performance of any work, together with the cause of such expenditure, and to render such account to the common council monthly.

SEC. 23. It shall be the duty of the common council, at least ten days before the annual election held under this act in each year, to cause to be published in the newspapers in said city, a full and correct statement in detail of the receipts and expenditures by the said common council for the contingent expenses, and a distinct statement of the whole amount of money assessed, received and expended, for making and repairing streets, lanes, alleys, roads, and highways, in said city, for the year preceding the date of such publication; together with such information in their power to furnish as may be necessary to a full knowledge and understanding of the financial concerns of said city.

SEC. 24. The common council shall have the power to fix the salaries and fees of all officers elected or appointed in pursuance of this act, except the compensation to the adlermen who shall be entitled to receive for their services one dollar per day for each and every day they may serve at the meetings of said common council: Provided, that the sum to be paid to any one of said alderdermen, shall not exceed the snm of fifty dollars in any one year; Provided further, that no alderman elected in pursuance of this act within two years from the passage thereof, receive any compensation for his services as alderman as aforesaid.

SEC. 25. The common council shall hold stated meetings at such time and place as they by resolution may determine upon, and the mayor, or any two aldermen may call special meetings by notice to each of the members of said council, served personally, or left at his usual place of abode. Petitions and remonstrances may be presented to the common council. The common council shall have the management and control of the finances, and of all the property, real, and personal, belonging to the corporation, and shall have power within said city to make, establish, publish, alter, modify, amend and repeal ordinances, regulations and by-laws for the following purposes:

1. To prevent all obstructions in the waters which are public highways in said city.

2. To prevent and punish forestalling.

3. To restrain and prohibit all descriptions of gaming and fraudu-

lent practices in said city.

4. To prohibit the selling of any spirituous liquor or ardent spirits to be drank in the shop, store, grocery, out house, yard or garden owned by the person selling the same, unless licensed so to do.

To prohibit the selling or giving away of ardent spirits or other intoxicating liquors to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress, or to any In-

6. To regulate and prohibit the exhibitions of common showmen, and of shows of every kind, or the exhibitions of natural or artificial curiosities, caravans or circuses.

7. To prevent any riot or noise, disturbance or disorderly assem-

blages.

8. To suppress and restrain disorderly houses and groceries, houses of ill-fame, billiard tables, nine or ten pin alleys or tables, and ball alleys, and to authorize the destruction and demolition of all instru-

ments for the purpose of gaming.

9. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

10. To direct the location and regulation of all slaughter houses,

markets, and houses for storing powder.

11. To regulate the keeping and conveying gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns and stables.

12. To prevent and punish horse racing, immoderate riding or driv-

ing in the streets.

13. To prevent the incumbering of the streets, side walks, lanes, and allevs.

14. To regulate and determine the times and places of bathing and

swimming in the river and canal in said city. 15. To restrain and punish vagrants, mendicants, street beggars and

common prostitutes.

16. To restrain and regulate the running at large of cattle, horses, swine, sheep, goats, and geese, and to authorize the destraining and sale of the same for the penalty incurred and costs of proceedings.

17. To prevent the running at large of dogs, and to authorize the destruction of the same when at large contrary to the ordinance.

18. To prohibit any person from bringing, depositing, or having within the limits of said city, any dead carcases or other unwholesome substance; and to require the removal or destruction by any person who shall have upon or near his premises any such substance, and on his default to authorize the removal or destruction thereof by some officer of the city.

19. To prohibit the rolling of hoops, playing at ball, or flying of kites, or any other amusement or practice, having a tendency to annoy persons passing the streets in said city, or to frighten teams and horses within the limits of the city.

20. To compel all persons to keep the snow, ice, and dirt from the side walks, in front of the premises owned or occupied by them.

21. To prevent the ringing of bells, blowing of horns and bugles, and crying of goods or other things in the said city, unless by license.

22. To abate and remove nuisances.

23. To regulate and restrain runners for boats and stages.

24. To survey boundaries of said city. 25. To regulate the burial of the dead.

26. To direct the returning and keeping bills of mortality, and to impose penalties on physicians, sextons, and others for any default in

the premises.

27. To regulate guaging, the place and manner of selling and weighing hay, and of selling and measuring lumber and wood, lime, grain and coal, the inspection of flour, salted pork, beef, butter and lard.

28. To appoint watchmen, and prescribe their powers and duties.

29. To regulate cartmen and cartage. 30. To regulate the police of said city.

31. To regulate the quality of bread, and to provide for the seisure or forfeiture of bread baked contrary thereto.

32. To establish, make and regulate public pumps, wells, cisterns,

and reservoirs.

33. To license and regulate taverns, ordinaries, and groceries.

34. To prevent the firing of guns and pistols, and all fire-works within said city.

Sec. 26. The common council shall have power from time to time to prescribe the duties of all officers and persons appointed by them to any office or place whatever, subject to the provisions of this act, and

may remove all such officers and persons at pleasure.

SEC. 27. The common council may make, publish, ordain, amend, and repeal all such ordinances, by laws, and police regulations, not contrary to the laws of this State, for the good government and order of said city, and the trade and commerce thereof, as may be necessary to carry into effect the powers given to said council by this act; and enforce observance to all rules, ordinances, by-laws, and police regulations, made in pursuance to this act; by imposing penalties on any person violating the same, not exceeding twenty-five dollars for any one offence, to be recovered with costs in a action of debt, in any court having cognizance thereof. Every such ordinance or by-law imposing any penalty or forfeiture for a violation of its provisions, shall, after the passage thereof, be published for three weeks successively in the corporation newspaper, printed and published in said city, to be designated by said common council for that purpose; and proof of such publication by the affidavit of the printer or publisher, of said newspaper, taken before any officer authorized to administer oaths, and filed with the recorder of said city, or on other competent proof of such publication, shall be conclusive evidence of the legal publication and promul-

gation of such ordinance or by-law in all courts and places.

SEC. 28. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, by-laws, or police regulations made in pursuance of it, shall be brought in the corporate name, and in such action, it shall be lawful to declare generally in debt for such penalty or forfeiture, stating the section of this act, or the by-law or ordinance under which the penalty is claimed, and to give the special matter in evidence; and the defendant may plead the general issue and give the special matter in evidence. The first process in any such action, shall be by capias or warrant, and execution may be issued immediately on the rendition of judgment, if the defendant in any such action, have no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in close custody in the jail of Cass county, for a term not exceeding thirty days. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture, shall be defrayed by the corporation; and all penalties and forfeitures when collected, shall be paid to the treasurer for the use of said city.

SEC. 29. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Logansport, in any action or proceeding in which the said city

is a party or interested.

SEC. 30. The common council shall have power to lay out, make, and open streets, alleys, lanes, and highways in said city, and to alter, widen, and straighten the same whenever such a number of the citizens living in the opening or alteration contemplated to be made, as shall own two-thirds of the whole amount of property to be affected by said opening or alteration as contemplated, shall petition for the same, for the payment of which said opening or alteration, all the citizens owning or interested in the said property so to be affected, shall be taxed in proportion to the number of feet of ground respectively owned by them. The common council shall have power to grade, level, pave, or McAdamize and gravel any street, lane, or alley within said city, upon petition as above said, or to cause cross and side-walks, drains and sewers to be constructed and made; and all said improvements to be paid for in the manner as above provided for.

SEC. 31. No land required for making, opening or widening any street, alley, or lane in said city, shall be taken and appropriated by the common council until the damages thereof, assessed and awarded by the verdict of a jury summoned for that purpose to any owner under this act, shall have been paid or tendered to such owner or his agent or legal representative, or in case such owner cannot be found in said city, the amount shall be deposited with the treasurer of said city for the use of such owner; and then, and in such case, and not before, such land

may be taken for the uses aforesaid.

SEC. 32. When any known owner residing in said city, or elsewhere, shall be an infant, and proceedings shall be had under this act, the circuit court, or any judge thereof, at his chambers may, upon the

application of the common council, or such infant, or his nearest friend appoint a guardian for such infant, taking security from such guardian for the faithful execution of his trust; and all notices and summonses required shall be served on such guardian. It shall be the duty of such guardian to see that the rights of such infant are protected.

SEC. 33. The common council shall have power to authorize the establishment and regulate fire companies in said city, and generally to make and ordain such rules and ordinances for the prevention and extinguishment of fires as may be necessary to effect this object.

Sec. 34. That the said common council shall, and are hereby authorized and required to appoint annually three commissioners as a board of health of said city, and the mayor of said city, or presiding officer of the common council shall be president of said board, and the recorder of said city shall be clerk of said board, and shall keep minutes of the proceedings thereof. The said common council shall also at their pleasure appoint a health physician, and as often as the office shall become vacant, and may remove him at pleasure, whose duty it shall be to visit every sick person, who may be reported to the board of health as hereinafter provided, and to report with all convenient speed his opinion of the sickness of said person to the clerk of the board of health, and it shall be the duty of said physician to visit and inspect at the request of the president of said board all boats and vessels bringing to at the landing places on the rivers or canals in said city. which are suspected of having on board any pestilential or infectious disease, and all stores and buildings which are suspected to contain unsound provisions, or damaged hides or other articles, and to make report of the state of the same with all convenient speed to the clerk of the board of health.

SEC. 34. In case of any boat or vessel being near or bringing to any landing place on the river or canal in said city, and the board of health shall believe that such boat or vessel is dangerous to the inhabitants, in consequence of their bringing and spreading any pestilential or infectious disease among said inhabitants, or having just cause to suspect, or believe that if the said boat or vessel is suffered to remain at or near the landing places on the river or canal, it will be the cause of spreading among the inhabitants of the city any pestilential or infectious disease, that it shall be lawful for the said board by an order in writing signed by the president to order such boat or vessel to any distance from said landing on the rivers or canal not exceeding three miles beyond the bounds of said city within six hours after the delivery of such order to the owner, master or consignee of said boat or vessel. And if the master, owner or consignee to whom such order shall be delivered, shall neglect or refure to comply with such order the said president may enforce such removal, and said master, owner, or consignee shall be fined a sum not exceeding two hundred and fifty dollars and imprisoned not exceeding three months in the jail of Cass county by any court having cognizance thereof; the said fine shall be paid to the proper officer of the county seminary fund.

SEC. 36. Every person practicing physic in the said city who shall

have a patient laboring under any malignant or infectious fever, cholera, or pestilential disease shall forthwith make report thereof in writing to the clerk of said board of health, and for neglecting so to do shall be considered guilty of a misdemeanor and liable to a fine of fifty dollars to be used for and recovered in an action of debt, in any court having cognizance thereof with costs for the use of the county seminary.

SEC. 37. All persons in the city not being residents thereof who shall be infected with any infectious or pestilential disease, and all things within the said city, which in the opinion of the said board shall be infected by, or tainted with pestilential matter, and ought to be removed, so as not to endanger the health of said city, shall by order of said board of health be removed to some proper place not exceeding three miles beyond the bounds of said city, to be provided by the said board at the expense of said city, and the said board may order any furniture or wearing apparel to be destroyed whenever they may judge it necessary for the health of said city.

SEC. 38. For the purpose of defraying the expense of lighting the streets, supporting a night-watch, repairing streets, alleys, and highways, and to defray the contingent and other expenses of said city, the common council shall have power to impose, levy, and collect a tax upon all the real and personal estate within the limits of said city as is hereinaster mentioned: Provided however, that the sum so to be raised and collected shall not in any one year exceed the one half of one per cent. upon all such real and personal estate as is hereby and herein

made subject to such tax.

Sec. 40. The assessors, on or before the first Tuesday in June, in each and every year, deliver to the recorder their assessment roll, on which the names of all the citizens of said city, subject to taxation, shall be written, at the end of each name shall be set down in figures, the value of each lot or piece of land, improvements thereon, that such person owns in said city, in one column, and in another column, in figures, the value of his or her personal estate, designating non-resident lots, or pieces of land, by proper boundaries, and the value thereof. In valuing all real estate, the worth in ready money, or the amount for which it would be received in payment of a bona fide debt, shall be considered the value thereof. In estimating personal property, the said assessors shall take an account of all such household furniture as they shall be directed by the common council, which shall be uniform throughout the city, and of uniform value, from which amount they shall deduct one hundred dollars, if it amounts to that sum, the residue only to be taxed, all horses over three years old, all neat cattle over two years old, brass and wooden clocks in use, gold, silver, and composition watches, pleasure carriages and harness, shall be subject to taxation, and such other articles as the common council, shall by an ordinance direct. Also all bank stock, or stocks in any incorporated company, who make semi-annual, or annual dividends, all bonds, notes, or other evidence of debt drawing interest, shall be subject to taxation; the said assessors shall, on or before the twentieth day of May, in each year,

visit every house in their respective districts in person, and ascertain from actual inspection, and the best information they can get, the value of all real estate, in their respective districts, and obtain from the inhabitants subject to taxation, the amount of their personal estate; if the said assessor shall mistrust or suspect that any person subject to taxation, secretes or conceals any of his effects subject to taxation, or any stocks or money at interest, said assessor shall have the power to administer to him an oath or affirmation that the statement made by him of his property, is true; false swearing in the premises, shall be adjudged wilful and corrupt perjury, and punished accordingly. If any person refusing to swear, the said assessor shall put down on his assessment roll, such amount as he from the best information that he can obtain, shall think to be just and right. The said assessors shall meet annually at such place within said city as may be agreed upon by them sometime between the 20th of May and the 1st of June in each year, and compare their respective assessment rolls, and equalize the valuation thereof as near as may be, and enter them on one roll or book alphabetically, with the value of real and personal estates of all the inhabitants of said city subject to taxation. No property belonging to the United States. or the State of Indiana, within said city, or public property belonging to the corporation, shall be taxed under this section. In the assessment roll made under this section, all persons who would be liable to work on highways, if they resided in any of the towns in this State, shall be enumerated on said roll, although not taxed, and the common council shall tax each one so enumerated, one dollar to be laid out on the streets, lanes, or alleys in said city. It shall also be the duty of said assessors, to take an account of the dogs running at large in said city, and by whom owned. Said assessment roll when completed, shall, on or before the first Tuesday in June, in each year be filed in the office of the recorder of said city. The common council shall cause an equalization of the tax so ordered as aforesaid to be made on the assessment roll according to the valuation of the real and personal estate there set down-make a fair copy thereof, and deliver the same to the collector, on or before the first day of October in each year, with a warrant attached thereto, under the corporate seal, directing said collector, to collect from each of the persons named on such tax list, the several sums set opposite their respective names, and if not paid by the first day of November, then next ensuing, make the same of the goods and chattels, by distress and sale, giving the same notice as is required by law of constables to do, on sale by execution from justice's court and to sell the same accordingly. It shall be the duty of said collector to return the said tax list, and money collected by him to the treasurer of said city, on or before the first Tuesday in November in each year. It shall be the duty of said collector to call at the residence of each person named on his tax list, at least once before attaching his or ber goods and chattels; if no goods can be found whereon to levy, the mayor may renew said warrant within thirty days after receiving the same with the money, if collected.

SEC. 41. To redress grievances arising under the foregoing section,

the mayor and any two aldermen of said city shall constitute a board of appeals, to hear and determine upon all such grievances as may be brought before them, and take such measures for the redress of the same as may seem necessary and proper to affect the object; said board shall hold their meetings at such times, on or before the first day of July in each year, and at such place as they may determine upon, of which meeting they shall give at least ten day's notice, in the corporation newspaper of said city.

SEC. 42. All non-resident lands, and all other lands within said city, on which a tax authorized by this act, shall remain due six months after the time it ought to have been paid, it shall be the duty of the treasurer to give public notice thereof to the owners, by publishing in the corporation newspaper, for at least six weeks, describing said lands as near as practicable, and amount of tax; and stating that unless the owner thereof shall within three months from the time of giving such notice, pay to the treasurer said tax with the interest and costs of advertising, the same will be leased to the person who will take it for the least number of years, and pay the tax, interest and cost, and for that purpose shall be offered at vendue, of which vendue the treasurer shall give two week's notice in the corporation newspaper; on receiving the tax, interest and costs, the said treasurer shall give to the purchaser or lessee, a certificate stating the amount of money paid, and describing the land as near as practicable, subject to redemption for two years by the owners paying the purchaser or the treasurer the amount paid, together with an interest of twenty per centum per annum, which certificate shall be countersigned by the recorder.

SEC. 43. If the owner or owners of land sold or leased for tax, as aforesaid, shall refuse or neglect to redeem said lands for the space of two years, it shall then be lawful for the mayor, and he is hereby required to make out a lease in due form, to the person entitled thereto for the time specified in such certificate, and to his heirs and assigns; which lease shall be signed by said mayor, and countersigned by the recorder with the corporate seal attached, which shall vest the title to said lessee, his heirs and assigns for the time therein specified and all buildings that may be put on said premises may be removed off before the termination of said lease.

Sec. 44. All laws or parts of laws now in force, in any manner conflicting with the provisions of this act, so far as the said city of Logansport is concerned, and within the jurisdiction of the corporation herein and hereby created, be and the same is hereby repealed.

SEC. 45. The legislature hereby reserves to itself the power of altering, amending, or repealing this charter in whole, or in part, at any time hereafter.

## CHAPTER XVIII.

AN ACT to incorporate the town of Paoli, Orange county.

[APPROVED, FEBRUARY 15, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the president and council, five in number, of the town of Paoli, Indiana, shall be, and the same are hereby declared to be a body corporate and politic by the name and style of "the president and councilmen of the town of Paoli," and by that corporate name shall be able and capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of competent jurisdiction, to make, use and have a common seal, and the same to break, alter and renew at pleasure, to ordain, order, establish and put into execution such by laws and rules as they may or shall deem proper and necessary for the convenience of said corporation, and also adopt and put into force such laws, ordinances and regulations as they shall deem necessary for the police and good government of the town hereby incorporated, subject to the restrictions, limitations and provisions hereinafter provided, and not inconsistent with the constitution and laws of this state or of the United States.

SEC. 2. The citizens of the town of Paoli shall meet at the court house or some other convenient place in said town on the first Monday in March, 1838, and annually thereafter, or some subsequent day, a notice of which shall be given at least ten days prior to such meeting in a newspaper published in town, or by three written advertisements set up in three public places in said town, to elect viva voce one president and four councilmen, at which election all free white males of the age of twenty-one years and upwards, who shall have lived twelve months in the bounds of the corporation immediately preceding such election, shall be allowed to vote, except such as have been disfranchised or otherwise disqualified. Said president and councilmen shall hold their offices for the term of one year and until their successors are elected and qualified.

SEC. 3. After the first election, it shall be the duty of the president or some one of the councilmen to give at least ten days notice of all elections that may be necessary for the creation of such officers as may be deemed requisite to discharge the duties required by the said corporation, or under the provisions of this act by publishing the same in a newspaper in the town, or setting up three written notices in the most public places of the town. The president of the corporation shall act as inspector of elections, he shall call to his assistance two qualified electors, who with himself, shall be judges of the election; they shall appoint a clerk, and having taken an oath or affirmation faithfully to

discharge their duties as judges and clerks, shall proceed to receive votes for president and councilmen between the hours of ten o'clock A. M. and four o'clock P. M. on said day: Provided however, that if the president should not be present, the qualified voters shall in that case choose one to act in his place at such election: Provided also, that if the electors should fail to meet, and elect a president and councilmen at any annual election, the corporation thereby shall not be dissolved, but the president and councilmen then in office, shall so continue until others are elected and qualified.

SEC. 4. It shall be the duty of the judges of said election to certify under their hands and seals, the five persons who received the highest number of votes, which certificate shall be filed and put upon record by the clerk of the corporation, whose duty it shall be to deliver a copy thereof to each of the five persons returned, which certificate shall be sufficient authority for such person to take his seat as president or councilmen, as the case may be. The president and councilmen thus created, or a majority of them, shall meet, and after taking an oath or affirmation, faithfully and impartially to discharge the duties of their respective offices as president and councilmen of the town of Paoli, then they or a majority of them shall proceed to the discharge of their duty. No person shall be eligible to the office of president or councilmen unless he be a qualified elector, and also a householder or freeholder within the corporate bounds. When vacancies happen by death, resignation or otherwise, such vacancy shall be filled by appointment of the president and council until the annual election. A majority of the number elected to constitute a quorum; they shall meet on their own adjournments; shall appoint the time and place for electing all the officers necessary to carry into effect the provisions of this act, and shall make such compensation as to them may seem reasonable and proper.

SEC. 5. It shall be the duty of the president to sign all laws, ordinances and decrees of a public nature, and also to sign the records of

their by-laws, and journals or minutes of their proceedings.

SEC. 6. The president and common council shall have power to levy and collect by means of the necessary officers, a tax on every species of property within the bounds of the corporation, both real, personal and mixed, to be rated and levied according to the ad valorem mode or plan of taxation, so as not to exceed ten cents on each hundred dollars; a poll tax on each legal voter not exceeding fifty cents each; on all shows, exhibitions and amusements which in the opinion of the president and council are calculated to detract from the peace and good order of society, such amount as by them may be deemed just and equitable.

SEC. 7. The president and council shall have power to pass such laws, ordinances and decrees as may be necessary to guard against damage or loss by fire, to organize fire companies and to govern the same, to regulate the duty and conduct of the citizens of the town in relation thereto; to regulate and govern the markets; to prevent the erection of public nuisances and to remove the same, and generally

to enforce by proper penalties the observance of all laws and ordinances relative to the police and government of the said incorporated town.

SEC. 8. All fines and forfeitures assessed and collected under the jurisdiction of the corporation, shall be applied in purchasing or procuring an engine, hose and fire buckets, and such other purposes as

the president and councilmen may from time to time direct.

SEC. 9. The powers of the corporation for the purpose of raising a revenue by taxation shall extend to the limits of the town plat, as it now is, or may hereafter be entered on record in the recorder's office of Orange county, Indiana. The president and council shall invariably be governed by the following rules in levying a tax, that is in no case shall they levy or collect a tax of any kind on lots of parts of lots within the limits of said town which is or may be set apart for meeting houses, masonic lodges, public or family burying grounds. And the president and council shall have jurisdiction and complete control over all the streets and alleys within the limits of said town, to open or va-

cate at pleasure, having regard to public and private good.

SEC. 10. The corporation shall at such times as may be designated by the president and council once in each year, elect one person as lister for the corporation, who shall take an oath of office and give bond and security to the president and council to be approved of by them for the faithful discharge of his duty as lister; he shall proceed forthwith to make a fair list in alphabetical order of the names of all persons subject or liable to be taxed within said corporation, together with the number of lots and amount of other property the said person or persons may be the holder or owner of, the value of which shall be affixed by the lister and the owner, and should they fail to agree the lister shall have the right to call to his assistance some freeholder within the corporation, and their decision shall be final. The said lister within two months after filing his bond and taking the oath of office, make full return to the president and council of the said corporation of such list and assessment, together with the valuation thereof.

SEC. 11. The president and council within thirty days after receiving the return made by such lister, proceed to levy a tax as provided for in the sixth section of this act, and the clerk shall make out a complete duplicate on the same, and hand the same over to the collector so soon as he may be qualified to receive the same. And it shall be the duty of the president and council to appoint some suitable person within the corporation as collector, who shall give bond with approved security to the president and council, to be conditioned that he faithfully will collect and pay over all money that may come into his hands as such collector of the corporation, to the treasurer of the said corporation, whose receipt shall be a sufficient voucher for such collector to make final settlement with the president and councilmen of the said corporation, which settlement shall be made at some time to be fixed by the president and council at the time of giving or making the appointment of said collector; and the collector shall hold his office for one year unless sooner removed for mal-conduct.

SEC. 12. It shall be the duty of the president to sign the duplicate as made out and certified by the clerk from the listers return, and cause the same to be put into the hands of the collector, and the duplicate or list when so made out signed by the president and attested by the clerk, shall be sufficient authority for the collector to proceed to collect the same, and it shall be the duty of the collector to receive the amount of taxes due from each individual, on or before the time appointed by the president and councilmen for the said collector to make his return to the treasurer of the corporation; and in all cases where the taxes assessed are not paid thirty days prior to such time, it shall be the duty of the collector to proceed and collect the same by distress and sale of any of the personal property of such delinquent by giving ten days notice of the time and place of such sale by setting up three written advertisements in the most public places in the town.

SEC. 13. That in all cases where the tax due and owing, cannot be made of the goods and chattels of such delinquent, it shall be the duty of the collector to make sale of the lots, or fractions of lots belonging to such person, or persons, or so much thereof as will pay the tax and cost due, by giving at least twenty days notice in a paper published in town, if such be the case, and if not, in the nearest public newspaper in the state; in which notice he shall particularly describe the lot or lots so to be sold by their proper number or some other certain description with the owner's name (if known) or the person supposed to be the owner. The collector shall on the day of sale by proclamation proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and cost for the smallest portion of the lot or lots, and shall give the purchaser a certificate of such purchase, setting out or forth the quantity sold, the amount paid including tax due and cost, and that such purchaser will be entitled to a deed for the same at the end of two years unless the owner shall redeem the same on or before that time by paying to said purchaser, his heirs or assigns the amount of the purchase money, with one hundred per cent, per annum thereon, or deposite the same with the clerk of the corporation.

Sec. 14. It shall be the duty of the president and council to publish in pamphlet form all their by-laws and ordinances at least once in each year, a sufficient number for every legal voter within the corpo-

ration to receive one copy.

SEC. 15. That in case the owner of such lot or portion of lot, so sold as aforesaid, his, her, or their agent, or attorney shall not pay the amount of the purchase money with the per centum thereon as aforesaid, within two years from the date of sale thereof, it shall be the duty of the collector then in office to make a deed to the purchaser or his assigns, for such lot or fraction of lot, which deed acknowledged and recorded agreeably to law, shall vest all the right and title to said lot in the purchaser and divest the owner of any title thereto, and the assessment made on such lot or lots, shall be a lien on the same in the hands of any person who may purchase the same at private sale; and no conveyance made by the owner of such lot, after the time of such

assessment, shall so divest the owner thereof of the title to said lot as to interfere with the claim of a purchaser under the provisions of this act: Provided, that in all cases when lots are listed and sold, the owners' names not known, such sale shall be valid and good to the purchaser.

SEC. 16. The collector may adjourn his sale of lots from day to day for three days, and if at the end of that time any lot or lots should remain unsold for want of buyers, he shall make return thereof, and the amount of the tax and cost on such lot or lots, and shall be added to the next year's assessment with one hundred per centum per annum thereon. The collector shall be allowed for each sale and certificate

to be paid by the purchaser,

SEC. 17. All bonds given to the corporation, and all contracts entered into with the corporation, shall be in the name of the "president and councilmen of the town of Paoli," and all suits commenced for the benefit of the corporation, or when the corporation shall be defendant, shall be in the name of the "president and councilmen of the town of Paoli," without setting forth the name of any member thereof, except

the president.

SEC. 18. It shall not be lawful for any person or persons within the bounds of this corporation to sell by less quantities than a quart, any spiritous liquors foreign or domestic, or keep a tippling house, unless such person or persons shall in addition to a county license, receive from the president and councilmen a license, the amount of which shall be fixed by them, not exceeding ten per centum on the capital stock of the applicant; and it shall not be lawful for any person or persons to retail within the corporation foreign or domestic merchandize, without first receiving from the president and councilmen a license at a rate to be fixed by them not exceeding five per centum on the capital stock of the applicant.

SEC. 19. And for the better regulation, peace, and good government of the town, the corporation is hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting, or whatever may detract from the peace and good order

of society.

Sec. 20. The corporation hereby created shall be entitled to one additional justice of the peace, who shall be elected by the qualified voters of the corporation under the direction of the president and councilmen, and shall hold his office for the term of five years, shall be commissioned by the governor, and shall qualify as other justices within the county have to do. He shall in every respect have jurisdiction as other justices of the county, and shall have jurisdiction co-extensive with the county in all causes of action accruing within the bounds of the corporation.

SEC. 21. This corporation shall be entitled to an additional constable, to be elected annually by the qualified voters of the corporation, under the direction of the president and councilmen, and shall give bond and qualify as in other cases, and hold his office one year, and until his successor is elected and qualified. And it shall be legal

for such constable to execute precepts issued by any justice of the township as in other cases, and on all business arising under this corporation, the said constable shall have jurisdiction co-extensive with the county.

SEC. 22. There shall be one person elected annually under the direction of the president and councilmen of the corporation, as clerk, who shall take an oath of office and continue in office for one year, and until his successor is elected and qualified; whose duty it shall be to keep a fair record of all the proceedings of the president and councilmen at their regular meetings of business, in a book to be furnished for that purpose by the corporation, and to do and perform all other duties as clerk under the provisions of this act.

SEC. 23. It shall be the duty of the president and councilmen of this corporation to improve the streets and alleys of the town, as fast as the means arising from taxation may enable them so to do; to appoint supervisors to direct and manage the same and likewise improve the public square; and to do and perform all other acts that may tend to the promotion of the well being and interest of the people of this corporation; to award to each and every individual who may be employed by them in the execution of any of the duties or offices required under the provisions of this corporation, a reasonable compensation.

SEC. 24. It shall be the duty of the president and councilmen to appoint a suitable person to act as treasurer of the corporation, who shall give bond with approved security in a sufficient sum to secure all moneys likely to come into his hands. He shall receive all money, or moneys due to the corporation, pay the same out on the order of the president and councilmen, take an oath faithfully to discharge the duties of the officer, and shall hold his office during good behaviour.

SEC. 25. The legislature reserves the power to alter and amend

this charter at pleasure.

## CHAPTER XIX.

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AN ACT supplemental to the act entitled "an act to incorporate the town of Paoli in Orange county," approved February 15, 1838.

#### [APPROVED FEBRUARY 17, 1838.]

Be it enacted by the General Assembly of the State of Indiana, That the act to which this is a supplement, shall take effect and be in force from and after its passage.

This act to be in force from and after its passage.

#### CHAPTER XX. di belang datrete a rol botanag at Hair agorif on but, rollob

AN ACT to amend an act entitled an act to incorporate the town of Jeffersonville. the county of Clarke. The county of Clarke.

#### [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all that town laid off by the Cincinnati association and called on the map thereof "Jeffersonville enlarged," be, and the same is incorporated with and made a part of the said corporation of Jeffersonville, and shall have and enjoy all the rights and privileges, and be subject to the same laws, rules and regulations, and taxation as the said town of Jeffersonville, under the act of incorporation aforesaid, and to which this is an amendment, is now or may hereafter be subject to.

SEC. 2. Be it further enacted, that the trustees of said corporation shall have power and authority to purchase any lot or lots of ground or part or parts of lots of ground in said corporation for the purpose of erecting a market house or other public buildings thereon, which deed shall be taken to the trustees for the use of the said corporation. And the said trustees are hereby authorized and empowered to widen the streets and alleys in said corporation, wherever in the opinion of

the president it may be proper so to do.

SEC. 3. That whenever any person or persons shall be condemned to pay a fine and cost by any justice of the peace, for the breach of any of the ordinances of the said corporation, and shall refuse or is unable to pay the same, he or they so condemned as aforesaid, shall be compelled to discharge the same by working on the streets of said town at fifty cents per day until the same shall be fully paid, the said corporation finding the said person or persons in meat and drink during the said time; and all vagrants in the said corporation and so declared to be by the judgment of a justice of the peace shall in like manner.

SEC. 4. That whenever two thirds of the owners of the lots on each side of any street in said town shall decide it, and signify that desire in writing that they wish the same to be graded and McAdamized, it shall be lawful for the trustees of said town to order by their ordinance, the same to be done in such manner as they may direct.

SEC. 5. That no person shall sell or vend any spiritous liquors, tregular licensed tavern keepers excepted), malt or fermented liquors in said corporation by retail, that is to say by a less quanty than a quart at a time without a license from the board of trustees, under the penalty of ten dollars for every such offence, to be recovered in the name of the president and trustees of the town of Jeffersonville, before any justice of the peace in said corporation.

SEC. 6. It shall be the duty of the board of trustees to divide the grocery keepers and coffee-house keepers into three classes, to be de-

nominated the first, second and third class. Those of the first class shall pay for license to vend and retail spiritous, malt or fermented liquors fifty dollars, the second class forty dollars, and the third class thirty dollars, and no license shall be granted for a shorter period than one year, and all other retailers of merchandise of every kind or description; and provision stork keepers shall pay such tax as the board of trustees may direct, not exceeding the tax laid on them respectively for county purposes; and for selling or retailing any goods, wares and merchandise of any kind without having paid the tax aforesaid, and shall be subject to a fine of five dollars for each offence, to be recovered as before mentioned.

SEC. 7. That all ordinances of said board of trustees shall be enrolled in a fair round hand, signed by the president of the board for the time being, with the date of his signature, countersigned by the clerk of the board, and shall not be in force until after they shall have been published in the Jeffersonville Courier or some other newspaper published in said county of Clarke, the said enrolled ordinances shall be carefully preserved by the clerk of the said board.

#### CHAPTER XXI.

AN ACT to amend an act entitled an act to incorporate the town of Greensburgh,
Decatur county, Indiana; approved February 4, 1837.

#### [APPROVED FEBRUARY 17, 1839.]

Be it enacted by the General Assembly of the State of Indiana, That the president and trustees of the town of Greensburgh shall have power to abate nuisances erected or contained within the incorporated limits of said town and one mile around said town, and to prevent persons erecting or constructing any nuisance or nuisances within the incorporated limits of said town or within one mile thereof, to prevent incumbrances of streets, side walks, alleys, and public grounds within said town, to compel the owners and occupants of tanneries, distilleries, cellars, breweries, barns, privies, and stables, to cleanse or abate the same when the public good requires; to restrain gambling, betting, laying wagers, to suppress and restrain disorderly houses, groceries, taverns, ball-alleys, and race grounds; to provide for the demolition of gambling tables of all characters and descriptions, to regulate the sale of ardent spirits, to regulate fire-places, chimneys, stoves and other apparatus for containing fire; to erect market houses, and other public buildings; to punish mendicants, common prostitutes and vagrants, to control streets and highways, and make rules in regard to keeping the same in repair, to levy and collect taxes, to license or prohibit shows and public exhibitions, to appoint one or more supervisors of streets, and other officers, and define their powers and duties, and fix their compensation, to make public improvements in said town, and to make all such by-laws, ordinances, and regulations as may be necessary to carry the powers aforesaid into effect; and said president and trustees shall have the power to erect a market house on the public square in said town, and to do all matters and things for the good government of said town, not contray to the laws and constitution of this state and the laws and constitution of the United States.

This act to take effect and be in force from and after the passage

thereof.

#### CHAPTER XXII.

AN ACT to amend an act entitled an act to amend the Charter and define the powers and duties of the President and Trustees of the town of Evansville, approved February 8, 1836.

## [APPROVED, FEBRUARY 14, 1838.]

Be it enacted by the General Assembly of the State of Indiana, That from and after the passage of this act, the said town of Evansville shall not be taken, deemed or considered as a part of any road district or districts now existing or which may hereafter be created in the county of Vanderburgh, and that the streets and highways within said town shall not be within the jurisdiction of any supervisor or supervisors, who may not be appointed or elected according to the provisions of the act to which this is an amendment or the by-laws and ordinances of the president and trustees of said town.

This act to take effect and be in force from and after its passage.

## CHAPTER XXIII.

AN ACT to Incorporate the Union Rail Road Company.

[APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James Farrington, Chauncey Rose, John Britton, Tilden A. Madison, James Wasson, Henry Groverman, Lucius H. Scott, Jacob D.

Early, Samuel McHuilkin, William Ray, Reuben Newton and James M. Rees, and all such persons as shall become stockholders, agreeably to the provisions of this act, shall be and they are hereby constituted a body politic and corporate, in fact and name, by the title of "The Union Rail Road Company," and by that name they and their successors shall and may continue for the term of seventy-five years from and after the passage of this act, and shall and may sue and be sued. plead and be impleaded, answer and be answered unto, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same to alter, and renew at pleasure, and also to adopt, establish and carry into execution, such laws, ordinances and regulations, as shall by its president and directors be judged necessary or convenient for the government and management of the said company, its officers, agents, superintendents and property; and the same to change, alter, repeal, annul, and re enact: Provided, That such laws, ordinances, and regulations be not contrary to this act of incorporation, the laws and constitution of the United States or of the State of Indiana.

SEC. 2. The corporation shall have the right and power to construct, and during its existence to maintain and continue a rail road with one or more lets or tracks, and with such suitable turn-outs, sidelings, and other appendages as may be deemed necessary for the convenient use of the same, commencing at the canal basin, near the town of Terre Haute, or at such other point within the said town as the company shall determine, and running thence in a direction westward, to the State line of Indiana, to that point where the rail road from Alton on the Mississippi via Shelbyville and Paris, and thence to the Indiana State line, shall terminate within the said State of Illinois.

SEC. 3. The capital stock of said corporation hereby created shall be two hundred and fifty thousand dollars, to be divided into shares of fifty dollars each, which shall be deemed personal property, and be transferable in such manner as said corporation shall direct by its by-

SEC. 4. That the persons named in the first section of this act, shall be and they are hereby appointed commissioners, whose duty it shall be, within five years from the passage of this act, to open books to receive subscriptions to the capital stock of said corporation at such time or times, and place or places as they or a majority of them shall think proper, giving notice thereof, at least thirty days prior to the opening of said books; in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite our name in such manner and proportions, and at such times as the president and directors of the Rail Road Company may direct. Witness our hand this

day of 183;" that the said books shall be kept open as long as the said commissioners, or a majority of them shall think proper, or until two thirds of the capital stock hereby created shall have been subscribed for, and if more subscriptions shall be taken than the amount of two-thirds of the said capital stock, it shall be in the power

of the said commissioners, or a majority of them to apportion the stock to the said subscribers pro rata always giving the preference to the citizens of this State.

SEC. 5. That the State of Indiana shall have the right of subscribing for one-third of the capital stock of the company created by this act, and shall have the appointment of three of the directors after said subscription shall have been made, which directors shall be appointed or elected in such manner as the legislature shall direct by law: Provided, That if the legislature shall refuse or neglect to authorize and make such subscription for the space of two years after said company shall have commenced the construction of said rail road, then the right to subscribe shall cease, and the said company may proceed to dispose of the remaining one third part of the capital stock, and cause the same to be subscribed for and paid in, in such manner as the directors shall

SEC. 6. As soon as two hundred and fifty shares of the said stock shall be taken, and five dollars on each share are paid to the commissioners, it shall be the duty of the said commissioners, or any five of them, to give six week's notice thereof, in one or more newspapers, and in such notice appoint a time and place for the stockholders to meet and elect nine directors, and such election shall then and there be made by such of the stockholders, either in person or by proxy. Each share of the capital stock shall entitle the owner to one vote; any two or more of the said commissioners, shall be inspectors of the first election of directors of said company, and shall certify, under their hands, the names of those duly elected by a plurality of votes given,

and deliver over the subscription, money, books, and papers to said directors, and the time of holding the first meeting of directors shall be fixed by said commissioners.

Sec. 7. The first directors to be elected shall hold their offices until the next annual election, and until others are elected; and every election of directors thereafter shall be held annually, at such places as shall be fixed by the by-laws, on the first Monday in May in each and every year; notice of the same being first given in such manner as the by-laws shall direct; every election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by ballot, and a plurality of votes given, either personally or by proxy, shall constitute a choice; no stockholder shall be eligible to the office of director, unless he shall own at least to the amount of one hundred dollars of stock in the said corporation. In case an equal number of votes should be given for any two or more directors, the remainder of directors shall by ballot, determine which of said persons, so having an equal number of votes, shall be entitled to a seat at the board.

SEC. 8. In case it should so happen that an election for directors shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be dissolved, but such election may be held at any other time, directed by

the by-laws of the corporation, within ninety days after the day on which it should have been held, and the directors shall continue to act until a new board shall be elected.

SEC. 9. That the said directors, or a majority of them, may supply any vacancy accruing in the interval between the annual elections, by the death, resignation, removal, or refusal to act, of any president or director, and may appoint a treasurer, a secretary, and all others officers, engineers, superintendents, and servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security, for the due performance of their respective duties as they may think expedient. The said directors, so soon as convenient after their election, shall elect one of their number to be president of the board of directors, whose duty shall be defined by the by-laws of the corporation.

SEC. 10. The said corporation is hereby empowered to purchase, receive and hold such lands and real estate as may be necessary and convenient for the accomplishing the objects for which this act of incorporation is granted and made, by their agents, surveyors, engineers, and other persons in their employ, enter upon and take possession of and use all such lands and real estate and materials as may be indispensable for the construction and maintenace of their rail road and appendages and the accommodations and appurtenances required and appertaining thereto, and it shall be lawful for the said president and directors, their agents, superintendents, or others in their employ, to enter, at all times, upon lands and water, to whomsoever they may belong, for the purpose of exploring, surveying, levelling, or laying out any proposed route or routes for the said rail road, and to erect all necessary embankments, works and appendages of the said survey; and make such marks and monuments, to indicate and perpetuate the lines and descriptions of the said route or routes, doing no unnecessary injury to private or other property, and being liable for damages to the owner of any such lands or property, for any injury that may be done thereto; and may also acquire and hold, and possess, by purchase, devise, or voluntary grant from the general or state government, or from any corporation, company, individual or individuals, any lands and real estate, within this state, to aid in the construction, maintenance and accommodation of said rail road, completely vesting in the said corporation, absolutely in fee simple, the same, with power and authority in law to pledge, mortgage, bargain and sell and convey the same, to aid in carrying inso full effect, the intents and objects of this act of incorporation: Provided, That the lands to be held by this corporation, during the time of the existence of this charter, shall be confined in such lands only, as are indispensably necessary for the construction and maintenance and accommodation of the said rail road and appendages, not exceeding three hundred feet on each side of the centre line of the said rail road, and such other plats of land as shall be necessary for the erection of warehouses, engine houses, workshops, stables and other buildings on the route and at the termination of the

said rail road, and all other lands and real estate whatsoever, in any manner howsoever acquired, shall be sold and disposed of by the said corporation, within fifteen years from and after the passage of this act, and no lands and real estate shall be afterwards acquired by the said corporation, but all lands and real estate entered upon for materials or for the road way, which are not donated or owned by the company, shall be purchased by the corporation of the owner or owners thereof, at a price to be agreed mutually by the company and the owner or owners. In case of a disagreement as to price, and before taking any materials or making any part of the said rail road on said land in controversy, it shall be lawful for the commissioners, engineers, superintendents or other authorised person or persons of the said company to apply to some justice of the peace in and for the county in which the lands may be situated, who shall cause twelve freeholders, not interested in the lands or materials in controversy or in any way likely to come into controversy, to be summoned, who being sworn, faithfully and impartially to examine the materials or grounds to be pointed out to them by the commissioner, engineer, superintendent, or other authorized person or persons, and reasonable notice having been given to the owner or owners of the property, if known and residing in the state. said freeholders shall assess the damages which they shall believe such owner or owners will sustain, over and above the additional value which such lands, or other lands of the same owners in the vicinity. will derive from the construction of the said rail road, and make a report, signed by at least a majority of them, one of which they shall deliver to the commissioner, engineer, superintendent or other person or persons, requiring said view and assessments, and the other to the justice of the peace, and the amount of damages, if any, and the costs, being paid to the owner or owners, or deposited with the clerk of the circuit court of the said county, for said owner or owners, the road may be forthwith located, constructed, and materials taken without any let or hindrance by the said owner or owners, their heirs or assigns, and the circuit court of the proper county, acting and sitting as a court of chancery, in case no appeal is taken as hereinafter provided for, may order and direct a conveyance of the land, so indispensable and necessary to the construction of the said rail road, to be made to the said corporation. If either party shall be dissatisfied with the valuation, where lands are in question, an appeal may be taken in thirty days, to the circuit court of the county in which the lands are situated, by petition, setting forth the facts of the case, describing the lands and the premises, and the necessity of such lands for making and maintaining said rail road and appendage, and the attempt and failure to purchase the same, with the name and residence of the owner or owners of the same, if known, and the reasons why the purchase cannot be made, and the circuit court aforesaid, acting and sitting as a court of chancery, shall direct such notice to the owner and parties, as shall be deemed reasonable, of the time of hearing the parties:

Provided, that in case the appellee shall have seven day's notice of the taking of the appeal, no further notice shall be necessary, but said court shall proceed to hear and determine said case, as speedily as practicable, and upon proof of the service of notice of the appeal, and upon hearing the testimony of the parties, (which may be taken orally or by deposition) it shall make such order and decree in the premises, as to it may seem proper and equitable, and may either increase or diminish the amount of damages assessed, or reject the said petition altogether, and shall also make such order for the payment of costs as shall be just and proper. It shall order a conveyance of the land in controversy, to be made to the corporation, when the decree of the court shall be complied with, on the part of the corporation. Whenever said order and decree shall be fully complied with, on the part and behalf of the corporation, it shall be possessed of the land in controversy, and may enter upon and take possession of, and use the same for the purpose of the said road. Where a difficulty shall arise, as to the value of materials which may be needed to construct said work, or the amount of damages done by the agent of the company, passing through said land, collecting materials aforesaid, there shall be no appeal to the circuit court; but in case it shall appear to the justice, that it is right and necessary to justice, he may set aside the first valuation: (Provided, the same shall be done in three days after the return of the report of the freeholders,) and appoint twelve other commissioners, being freeholders, to appraise and value the materials or damages last aforesaid, whose award in the premises shall be final, and who shall apportion the cost as may appear just on one or both of the parties.

SEC. 11. In case any married woman, infant, idiot, or insane person or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the circuit court or justice of the peace shall appoint some competent and suitable person to appear before said freeholders or commissioners or said circuit court, and act for and on behalf of such married woman, infant, insane

person, idiot or non-resident of the state.

SEC. 12. The said president and directors shall cause such examination and surveys for the said rail road to be made as may be necessary to the selection by them of the most advantageous line, location, course or way for the said rail road on the route set forth in the second section of this act, and shall after such examinations and surveys shall be made, select, and by certificates under their hands and seals or under the hands and seals of a majority of them, and designate the line, location, course or way, which they or a majority of them shall deem most suitable and advantageous for said rail road; a copy of which certificate shall be filed in the office of the secretary of state of this state, to be by him recorded and preserved at the cost and charges of the corporation; which line, location, course, or way on which the corporation shall construct, erect, build or make the rail road contemplated by this act,

unless the said corporation shall afterwards find it necessary to change or alter the same.

SEC. 13. When the route, line, location, course or way of the said rail road, or any division, portion or section thereof shall be determined upon as provided for in the preceding section, it shall be lawful for the said company by its officers, agents, engineers, superintendents, contractors and workmen, to enter upon the said line or location of the road, and to erect embankments, bridges, viaducts, culverts and all other works necessary to lay rails thereon and to do all other things which shall be suitable and necessary for the effectual completion of the said road, and so soon as said road, or any division, section or portion thereof shall be completed and ready for use, the said corporation are hereby authorized and empowered to procure and place cars and carriages thereon for the purpose of transporting persons and every description of property thereon and may use any description of power or powers on the said road that they may deem most useful, safe and expedient. The president and directors shall, by rules and regulations to be adopted and published from time to time, regulate the time of departure and arrival of cars and carriages, the rate of speed of travel on the said road, the description of cars or carriages to be employed, the weight of load for each and all, and every matter and thing necessary for the safety and accommodation of persons and property to be by them transported on the said rail road, and the said corporation shall be liable for the acts and doings of their officers, agents and other persons in their employ and engaged in the transportation of persons and property on the said road, in like manner as all common carriers are liable in law.

SEC. 14. The said corporation is hereby authorized to transport persons and property on the said rail road, and shall have power to erect and maintain toll-houses, ware houses, engine and carriage houses, workshops and other necessary buildings for the accommodation of their concerns, and from time to time to fix, regulate, demand and receive the tolls and charges to be by them received for the transportation of persons and property, and for the storage of merchandise and other property placed under their charge: Provided, that the nett toll and charges after deducting the amount of all costs and expenses in maintaining the said rail road and appendages, and a reasonable allowance for the wear and tear of the same, and of the carriages and cars used thereon, the wear and tear of buildings and bridges, their insurance against accidents by fire, and also incidental charges of transportation, and officers and servants of the company shall not exceed twenty per cent. per annum on the capital stock invested by the said cor-

poration for ten years taken together.

SEC. 15. Seven directors of the said corporation shall form a board, and they or a majority of them shall be competent to transact all the business of the corporation, and it shall be lawful for the said directors to require payment of the sum to be subscribed to the capital stock, at such time and in such proportion and on such conditions as they shall deem fit and right, and shall give notice of the payments thus required and of the place and time the same are to be paid, at least twenty days previous to the day of payment, in some newpsaper printed in this state, nearest the route of said road, and they are authorized to receive new subscriptions to any of the capital stock not previously taken and subscribed for, under such regulations as they shall prescribe by the by-laws, and to give notice thereof at least thirty days previous to the opening the books to receive such subscriptions.

Sec. 16. Whenever it shall be necessary for the construction of the rail road, to intersect or cross any stream or water courses or any road or highway, between the places mentioned in the second section of this act, for the commencement and termination of said road, it shall be lawful for the corporation to construct said rail road across the same, but the said corporation shall restore the said stream, or water course, or road, or highway thus intersected, to its former state or in

such a manner as not to impair its usefulness.

SEC. 17. The said corporation may at their option construct their bridges, viaducts and causeways of sufficient width to admit of the passage of the common road travel, and may demand, take and receive such reasonable toll for the passage of persons, wagons, vehicles and stock over the said causeways, bridges and viaducts, as may be fixed by the said corporation, and printed and posted up at some conspicuous place on or near the said structure or causeways; and may also construct such lateral branches to the said rail road for the accommodation of points not accessible by the main line, as they may think proper, which said lateral branches shall be made under the same regulations and restrictions as the main line.

SEC. 18. The state of Indiana reserves the right of crossing the said rail road at the expense of the state in any internal improvement hereafter deemed expedient by the legislature; and said incorporated company in crossing any stream with said rail road shall not impair the navigation thereof, and the state reserves the right of improving the navigation of said streams in any manner the legislature may direct or athorize, and the said incorporated company shall not accept or avail itself of any right of pre-emption to any land within this state by any act the Congress of the United States may pass, under a forfeiture of charter, and whenever the incorporated company shall locate the said road, it shall as soon as practicable publish it, in which the precise route shall be stated, in three different newspapers of this state, three weeks successively, one of which shall be printed in Terre Haute after such location and publication it shall not have the right of re-locating any part of the road so as to run more than two miles from the route as published.

SEC. 19. The whole of the stock of the corporation, except that portion subscribed by the state shall be deemed personal property, which together with all tools, implements, machinery and apparatus of every description used and employed, or on hand and belonging to the said company, shall be liable to be siezed, executed and sold, after judgment or decree, to make good any contract, agreement or stipulation made by any agent, superintendent or other authorized person or persons of said company.

SEC. 20. It shall and may be lawful for the president and directors of the corporation, to borrow money from time to time for the sole purpose of constructing the rail road hereby authorized to be made, and to pledge the property of the corporation, real, personal and mixed, for the re-payment thereof with the interest thereon accruing: Provided, that if the state shall become a joint stockholder in said corporation, only two thirds of the property belonging to said corporation shall be so pledged, and the shares or interests which the state shall acquire in the said property or corporation shall in no event be pledged or mortgaged, without the consent of the legislature first had and obtained.

SEC. 21. At the expiration of fifty years from the completion of said rail road, the legislature of the state may cause an appraisement of the said road and the appendages thereof, to be made by six persons, three of whom shall be chosen by the legislature, and three by the said corporation, who or a majority of them shall report the value thereof to the governor within one year from the time of their appointment, or if they cannot agree they shall choose a seventh person who with the sixth, or a majority of the whole shall report as aforesaid, or in case the said company shall refuse or neglect to appoint three persons within two months after the said appointment by the legislature, then the three persons so appointed by the legislature shall proceed to make such appraisement which shall be binding on the corporation, and thereupon the state shall have the privilege for two years of taking said road and its appendages, and property, upon the payment to the comyany of the amount of the said reported value thereof within one year electing to take said road; which report shall be filed in the office of the secretary of state of this state and upon such payment the whole property and interest of said road and appendages thereof shall be vested in the state of Indiana.

SEC. 22. If this road shall not be commenced within five years from the passage of this act, and completed within fifteen years thereafter, this act shall be void, unless further time shall be given by the legislature to complete the same.

SEC. 23. This act shall be deemed and taken as a public act, and as such shall be taken notice of by all courts of justice in this state, without the necessity of pleading the same and shall be in force from and

after its passage.

SEC. 24. That should the Congress of the United States make a donation of land to aid in the construction of said rail road, which may be accepted by said corporation, then and in that case, the United States in time of war shall have the right to transport troops, munitions of war, and provisions free of toll, or other charge on said road.

SEC. 25. Should the capital stock herein created not be sufficient to complete the contemplated work, the corporation may increase the

same.

SEC. 26. That the said company is hereby fully authorized to sell at any time to the state of Indiana or Illinois its interests in the rail road ereby authorized, transferring all its rights under this charter, and its

property of every kind on or appurtenant to said road to either of said states, and in such case the party purchasing shall be required to do whatever by this charter is required of said company, and considered in all respects entitled to the same benefit as well as subject to the same obligations, in the same manner as if the said sale or transfer had been authorized and made to an individual citizen of this state.

This act to be in force from and after its passage.

#### CHAPTER XXIV.

AN ACT to incorporate the Michigan and Indiana Rail Road Company.

#### [APPROVED FEBRUARY 17, 1838.]

Whereas, it has been represented to this General Assembly, that the State of Michigan, at the present session of her Legislature, has passed an act to incorporate a company to construct a Rail Road from Grand River, to the north line of the State of Indiana, and of the county of Lagrange: Therefore—

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James McConnel of Noble county, Joshua T. Hobbs, Wm. Hern. Moses Hill, Oliver C. Ward, Selden Martin, Albert Powell, Joshua Gale, Elias B. Smith, Samuel Cory, George Walcott and Philo Tailor of Lagrange county, together with those who may hereafter become stockholders, in the manner hereinaster prescribed, their successors and assigns, be, and they are hereby created a body corporate, by the name and style of the "Michigan and Indiana Rail Road Company," and by that name and style shall be and are hereby made capable in law, to receive by gift, grant, donation, or bequest, land sufficient for depot purposes, and the right of way or to purchase the same, and to retain to them, their successors and assigns, all such lands, tenements, and hereditaments, as shall be requisite for their accommodation and convenience in the transaction of their business, and such as may be in good faith conveyed to them by way of security, or in satisfaction of debt or by donation, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record or elsewhere, and also to make, have, and use a common seal, and the same to alter or change at pleasure.

SEC. 2. That the said corporation shall be and are hereby vested with the right and authority to construct a single or double rail road, from the head of the navigable feeder of the Erie and Michigan canal, in the northern part of Noble county, thence in a north-westerly direction, to the village of Lima, thence to the village of Van Buren in

Lagrange county, and thence to the north line of the State of Indiana and the county of Lagrange, to terminate where the aforesaid rail road in Michigan, from Grand river, to the north boundary of Indiana and of the county of Lagrange shall terminate; and to use and enjoy the benefits and profits of the same, in any and every manner usually and lawfully incident to rail roads: Provided, always, That nothing herein contained shall be so construed as to authorize the corporation hereby created, to interfere with or in any way obstruct the public works authorized by this State; nor with the chartered rights of other corporate companies, heretofore created, for the purpose of constructing rail roads; and said company shall provide for and at all times keep unobstructed, a free passage for all lawful purposes of travel, transportation and communication, upon the Vistula road across the track of said rail road, and upon all other public roads crossing said rail road.

SEC. 3. The capital stock of said company shall be five hundred thousand dollars, and shall be divided into shares of fifty dollars each, and the shares of the capital stock of said company shall be deemed personal property, transferable by assignment, agreeable to the by-

laws of said company.

SEC. 4. The above named persons or a majority of them, who may consent to act as such, shall be commissioners, who may authorize any three of their number to open books for receiving subscriptions to the capital stock of said corporation, at such times and places as they may direct; and as soon as the stock shall be subscribed, or fifty thousand dollars thereof, a public notice shall be given of the time and place for a meeting of the stockholders to choose directors; when seven shall be selected by ballot, who shall be citizens of Indiana, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxies; each share shall entitle the owner to one vote. The person named in the first section of this act, or any three appointed by a majority of them shall be inspectors of such election, and shall certify under their hands what persons are elected directors and appoint the time and place of the first meeting of the directors, a majority of whom shall constitute a quorum, for the transaction of the business of the corporation. A new election of the directors shall be held annually, at such time and place as the stockholders at their first meeting shall appoint; but if no election shall be made on the day appointed, such election shall be held at any other time appointed by the bylaws of the corporation. And the directors chosen at any election, shall, as soon thereafter as may be convenient, choose out of their number or otherwise, as they may elect, one person to be president, and another to be treasurer of said corporation; and if any vacancy shall occur in said board, such vacancy shall be filled by the remaining directors, or a majority of them.

SEC. 5. There shall be paid upon every subscription, at the time of subscribing, to the person or persons authorized to open said books, the sum of five dollars on each share subscribed; and the residue thereof shall be paid in such instalments, and at such times as may be

required by the president and directors of the said company to the treasurer thereof: Provided, That no payment other than the first shall be demanded till at least thirty days public notice of such demand shall have been given in two or more prominent newspapers. And if any stockholder shall fail or neglect to pay any instalment or part of said subscription thus demanded, for the space of thirty days next after the same shall be due and payable, the said president and directors, upon giving twenty day's notice thereof, in the manner aforesaid, may and they are hereby authorized to sell at public sale, so many of the shares of such delinquent stockholder, as shall be necessary to pay such instalment, and the expenses of advertising and sale, and transfer of the shares so sold, to the purchaser, and the residue of the money arising from such sale, after paying such instalments and expenses, shall be paid to such delinquent stockholder on demand.

SEC. 6. The said corporation are hereby authorized to cause such examinations and surveys to be made of the ground lying between the aforementioned points, as shall be necessary to determine the most eligible route whereon to construct said rail road; and it shall also be lawful for said corporation, by its members or lawful agents, to enter upon and take possession of all such lands and real estate, as may be necessary for the construction and repairs of said rail road, and the requisite erections, by reimbursing the owner thereof in a full and adequate sum therefor. And the president and directors of said company may agree with said owner or owners of any lands, earth, timber, gravel, stone, or other materials or any other articles whatsoever, which may be wanted in the construction or repair of said rail road or any of its works, for the purchase or occupation thereof, and in case of disagreement, sign and seal the same, and such valuation, when paid or tendered to the owner or owners of said property, his, her, or their legal representatives, shall entitle the said company to the lands, estates, and interest in the same, thus valued, as fully as if it had been conveyed by the owner or owners of the same, for such term of time as said company shall occupy the same for a rail road; and the inquest of the jury after confirmation, or after payment or tender of the value, shall be a bar to all actions, for taking or using such property, and the owner shall have his remedy by action of debt for the value so tendered, notwithstanding his refusal at the time of such tender. And such sheriff and jurors shall be entitled to receive from the said company, the same fees that are allowed for like services, in cases affixing the value of real estate, previous to sale under execution: Provided, that either party may, within ten days, appeal from the decision of said jury of inquest, to the circuit court of the proper county, in which such lands are situated, and the said court shall proceed thereon, as in cases of appeals for damages in laying out State roads.

SEC. 7. Said corporation shall have power to contract with the owner as to the price of any land required for said rail road, and as to the price of such materials, not designed by the owner for any particular use; or if the owner is under any disability in law to contract, or out of the county, application may be made to any justice of the

peace of the proper county, who shall thereupon issue his warrant, under his hand and seal, to the sheriff of the proper county, requiring him to summon a jury of six disinterested freeholders of such county, to appear at or near the land or materials, or property to be valued, on a day named in said warrant, not less than five nor more than ten days after the issuing of the same. And if any of the persons thus summoned do not attend, the said sheriff shall immediately summon as many as may be necessary to furnish a pannel of six jurors, who shall act as a jury of inquest, of damages, having an oath or affirmation first administered to each by said sheriff, justly and impartially to value the damages which the owner or owners will sustain by the use or occupation of land, materials or property required by said company; and the jury estimating the damages either for the ground or materials as aforesaid shall reduce their inquisition to writing, and shall determine the width and dimensions of the said rail road, or any part thereof not exceeding one hundred feet in width and whether it shall be a double or single track, to regulate the form and manner of its construction, and the time and manner in which passengers and property shall be transported thereon, and the manner for collecting tolls for such transportation, and to erect and maintain buildings for the accommodation of the business of the corporation, as they may deem advisable for their interests.

SEC. 8. Said corporation may construct their rail road across or upon any road or highways, or across any river, stream of water or water course, if the same shall be necessary; but in such case it shall be the duty of said corporation so to construct said rail road, as to conveniently admit of the passage or transportation of persons or property upon any such road, highway, river, stream or watercourse, and when it shall be necessary to pass through the land of any individual, it shall be their duty to provide such individual, proper wagon-ways across

said rail road, from one part of his land to another.

SEC. 9. Said corporation shall have power to purchase with the funds of the company, and place on the rail road constructed by them under this act, all machines, vehicles or carriages of any description whatsoever, which may be deemed necessary or proper for the purposes of transportation on said road; and may demand and receive such tolls and freights, for the transportation of persons, commodities, and carriages on said road, or any part thereof, as shall be for the interest of the company; and the same to change, lower or raise at pleasure. And the said road with all the works, improvements, profits and all machinery for transporting, are hereby vested in said company incorporated by this act, and their successors for the term of fifty years.

SEC. 10. At the regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the previous year, to exhibit a clear and distinct statement of the affairs of the company, and the president and electors shall annually or semi-annually declare and make such dividend as they may deem proper of the nett profits arising from the resources of said company, deducting the necessary current and probable contingent expen-

ses, and they shall divide the sum among the stockholders of said com-

pany in proportion to their respective shares.

SEC. 11. The president and directors or a majority of them may appoint all such officers, engineers, agents or servants whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at pleasure: and they or a majority of them shall have power to determine by contract the compensation, of all the engineers, officers, agents or servants in the employment of said company; and they or a majority of them shall have power to pass all by-laws, which they may deem necessary or proper; and to exercise all the powers vested in the company hereby incorporated, necessary for carrying the objects of this act into effect.

SEC. 12. If it shall be necessary for the said rail road company, in the selection of the route, or construction of the road, by them to be laid out and constructed, or any part of it, to connect the same with, or to use any road, street or bridge made or erected by any company or persons, incorporated or authorized by any law of this state, it shall be lawful for the said president and directors, and they are hereby authorized to contract and agree with any such other corporation or persons, for the right to use such road, street or bridge, or for the transfer of any of the corporate or other rights, or privileges of such corporation or persons, to the said company hereby incorporated, and every such other corporation and persons incorporated by or acting under the laws of this state, are hereby authorized to make such an agreement, contract or transfer, by and through the agency of the persons authorized by their act of incorporation, to exercise the corporate powers, or by such persons, as by any law of this state, are entrusted with the direction and management of such road, street or bridge; or any of the rights or privileges aforesaid; and every contract agreement or transfer made in pursuance of the power and authority hereby granted, when executed by the several parties under their respective and corporate seals, or otherwise legally authenticated, shall vest in the company hereby incorporated, all such roads or parts of roads, streets, bridges, rights and privileges, and the right to use and enjoy the same as fully, to all intents and purposes, as they now are, or might be used and exercised, by the said corporations or persons, in whom they are now vested.

SEC. 13. If at any time after said rail road and improvements may be located, any unforeseen obstacles, impediments, or inconveniences occur on the route located, the said corporation shall have power to deviate from the course marked out, so far, and in such manner as the said directors may deem best calculated to surmount, overcome or avoid said obstacles, impediments, or inconveniences; said corporation satisfying the damages that may be occasioned thereby; to be assessed in the manner provided by the section of this act; and the said corporation shall from time to time, make such alteration in the course of said rail road and improvements as they may deem necessary or convenient; satisfying all damages in manner aforesaid.

Sec. 14. If any person or persons shall wilfully, by any means

whatever, injure, impair, or destroy, any part of the rail road cor. structed by said company, under this act, or any of the works, buildings, material or machinery of said company, such person or persons so offending, shall each of them, for every such offence, forfeit and pay to the said company, a sum not exceeding threefold the damages, which may be recovered in the name of said company, by action of debt, in the circuit court of the county, wherein the offence shall be committed; and shall also be subject to an indictment in the said court. And upon conviction of said offence, shall be punished by fine, not exceeding the sum of one hundred dollars, and imprisoned in the jail of such county, not more than thirty days.

SEC. 15. If the corporation hereby created, shall not within five years from the passage of this act, commence, and in twelve years put in operation the said rail road, then this act shall be null and void.

This charter may every ten years be altered and amended by two thirds of the legislature.

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AN ACT to amend the act incorporating the Aurora and Napoleon Turnpike Company, and to legalize the proceedings of the Board of Directors of said Company.

#### [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That the twenty-third section of the act incorporating the Aurora and Napoleon Turnpike Company, approved February 8, 1836, be so amended that when four hundred shares of the capital stock of said company are subscribed, said company shall be authorized to go into

operation agreeably to the provisions of the charter.

SEC. 2. That all and singular the proceedings and acts of said company heretofore done and performed by the board of directors thereof, be and the same are hereby declared to be legal and valid: Provided however, that nothing in this act shall be so construed as to prejudice or in any manner interfere with the rights, claims, or privileges which have heretofore accrued to any individual, or body corporate or body politic, or in any way to affect the rights of any litigant parties in any court in this state under and by virtue of the law to which this is an amendment.

SEC. 3. This act to take effect and be in force from and after its

passage.

#### CHAPTER XXVI

AN ACT to incorporate the Harrison and Napoleon Turnpike Company.

[APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Miles Menderhall, Elias Conwell and Amos Boardman of Ripley county, Merrit Hubbell, Andrew Anderson, William M'Kenzie, John Godley, John Snyder, and John D. Moore of Dearborn county, and their successors in office, elected or appointed as hereinafter directed, be, and the same are hereby created a body corporate and politic. who shall by the name and style of the Harrison and Napoleon turnpike company, sue and be sued, plead and be impleaded, defend and be defended in any courts of law or equity in this state or elsewhere, and shall have full power to construct a clay, McAdamized, or wooden turnpike road from Harrison, in Dearborn county, to some point on the state road leading from Lawrenceburgh to Indianapolis near Amos Boardman's, thence along and upon said road to the town of Napoleon in Ripley county, and appoint agents and servants, and to have all the powers and privileges for constructing and using said road, as are given to the company chartered for the construction and using roads in the act entitled an act to incorporate the Vevay and Napoleon and other turnpike companies, approved February 8th, 1836.

SEC. 2. That the capital stock of said company shall be two hundred thousand dollars divided into shares of fifty dollars each and to be increased at the pleasure of said company to an amount sufficient

to construct said road and bring it into complete operation.

SEC. 3. That said company in the construction of and using said road shall have all the powers and privileges, and shall be subject to all the restrictions and limitations, and be governed in all things applicable to their case by the said act entitled "an act to incorporate the Vevay and Napoleon and other turnpike companies," approved February 8th, 1836.

SEC. 4. That the persons above named shall meet at the house of Warren Tebbs, in the town of Harrison, on the second Monday in April next, or so soon thereafter as a majority of them may agree upon, and form themselves into a board for the purpose of constructing said work by electing a president in their own body, after which time they may proceed to construct said work as herein before provided.

SEC. 5. That the stockholders in said corporation shall be liable in their private and individual capacity for any debts or liabilities which may have been incurred by said incorporation: Provided. that the corporation property shall be first exhausted before said individual liability commences.

SEC. 6. That this act shall take effect and be in force from and

after its passage, and shall remain in force for fifty years; Provided, that nothing herein contained shall be so constructed as to prevent any subsequent legislature from altering or amending this charter.

# CHAPTER XXVII.

AN ACT to incorporate the Peru and Rochester Turnpike Company.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Alfred Keizer, Dariel R. Bearp, Jacob Lindsey, James B. Fullweler, Jacob Wilkinson, John W. Miller, Charles S. Low, Alexander Wilson and Carelton R. Tracy of the county of Miami, Alexander Chamberlain, William Polke, Robert Martin, Joseph Robbins, Ebenezer Waid, and Lot Bogarth, - Shuyhock, of the county of Fulton and their successors in office duly elected as hereinafter directed are hereby constituted and appointed a body politic and corporate, and by the name and style of the Peru and Rochester Turnpike Company shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever, to make and use a common seal, and the same to alter, change, or renew at pleasure, and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.

SEC. 2. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of twenty dollars, with power to increase the capital stock if necessary to accomplish the objects herein

contemplated.

SEC. 3. The directors in this act named, or a majority of them shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president and after such organization a majority of said board shall be a quorum to do business.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendants, artists, and all other persons and offices necessary to carry into effect the provisions of this act; they shall keep a journal of their prooceedings, in which shall be entered all by-laws and regulations, and all orders for the payment of such allowances, as may be made to their officers, and all others in their employment; which journal and proceedings shall from time to time be signed by their president, they shall sit upon their own adjournments, or on the call of the president, when the president is absent they may appoint a president pro tempore, and they shall fill all vacancies that may occur in their body.

SEC. 5. The corporation shall cause books to be opened for subscriptions to the capital stock, at such time and at such places, as they may choose, due notice of which shall be given, in each of which books the following entry shall be made: We, the undersigned promise to pay the sum of twenty dollars for each share of stock set opposite our names, in such manner, and proportions and at such time as the president and directors of the Peru and Rochester turnpike company may direct, day of witness our hands this 18

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any state or of the United States, for the board or boards doing county business in the counties of Miami and Fulton on behalf of the same to subscribe for any amount of capital stock, and the books shall be kept open for such space of time and at such place or places as the corporation shall choose, and may be re-opened at any time, and the said corporation may by an agent offer for sale in any other state, any amount of stock upon such terms and conditions as may be thought advisable, and they shall have power, upon their own credit, to borrow money upon such

terms as may be agreed upon by the parties.

SEC. 7. As soon as one hundred shares are subscribed and two dollars paid on each share, it shall be the duty of the corporation to give three weeks' notice thereof in the nearest newspaper printed in the vicinity of said contemplated road, and in such notice to appoint a time and place for the stockholders to meet and elect twelve directors, who shall be stockholders and citizens of the state; which election shall be held within three months after the last share in the one hundred shares shall be subscribed for, and shall be conducted by two judges appointed by the stockholders present and the persons having a plurality of the votes given and counted in public, shall be declared duly elected; no share shall have a right to vote at any election, unless the same shall have been held one month previous to the election; in all elections one share shall entitle the holder to one vote, and votes may be given by the person owning the same, or by one of any partners, or by the husband, father, mother, executor, or administrator, trustee, or guardian, or by the authorized agent of any corporation, state, United States, or boards doing county business, or any person having a right to vote may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body president, the president and directors thus elected shall continue in office until the next annual election, and until their successors are elected and organ-

ized.

SEC. 9. All elections after the first shall be held on the first Monday of October, annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous

meeting, or by the stockholders present, of which election notice shall be given, provided that if from any cause whatever there should be no election held on the day appointed by this act or by the directors for the first election, it shall be lawful to hold the election on any other

day to be designated by the directors.

SEC. 10. Certificates of stock shall be given to the stockholders which shall be evidence of the stock held, they shall be signed by the president, and countersigned by the clerk; stock shall be transferable on the books of the corporation only, personally, or by an agent or attorney, or by the administrators, executors, trustee or guardian, but such stock shall, at all times be holden by the corporation, or for any dues from the holder thereof to the corporation, or for any sum that may thereafter become due on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such part of the stock subscribed not exceeding twenty-five per centum of the amount of stock every six months, as they may think proper, to be paid at such time and place, as they may designate, by giving sixty days notice, in one of the nearest newspapers to said route, or by giving written notice to the stockholders; in all such notices the amount demanded on each share, and the time and place of payment shall be set forth, and if any stockholder shall neglect, or refuse to pay such requisition within ten days after the time mentioned for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction and recover the amount with two per centum interest per month thereon for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation; and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividends on his or her stock until the corporation is fully paid and satisfied.

SEC. 12. The corporation shall require of all officers and others in their employment, bonds with security to their acceptance, with such penalty or penalties, as they may think proper for the faithful perform-

ance of their respective duties.

SEC. 13. The corporation by their agents, shall have power from time to time, to examine, survey, mark, and locate the route of said turnpike road from Peru in Miami county, by way of Mexico and Per rysville, to intersect the Michigan Road in the town of Rochester, in Fulton county, with power to diverge from a direct line for the interest of the company and public convenience; said road shall not exceed one hundred feet in width.

SEC. 14. And for the purpose of making such examinations and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any lands to make surveys, and estimates for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no stone, wood, gravel, or other material shall be taken away without the consent of the owner thereof, until the rate of compensation shall be

ascertained and paid.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of said road, to obtain from the person or persons through whose land said read may pass, a relinquishment of so much of said land as may be necessary for the construction of said road, or location thereof, as also the stone, gravel, wood, timber, or other materials that may be obtained on said route; and may contract for stone, gravel, timber and other materials that may be obtained from any other land near thereto; and it shall be lawful for said corporation to receive by donation, gift, grant, or bequest, land, money, labor, property, stone, gravel, or any other materials for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants, bequests made and entered into in writing by any person or persons, capable in law to contract, made in consideration of such location and for the benefit of the corporation, shall be binding and obligatory; and the corporation may have their action at law, in any court of competent jurisdiction, to compel the observance of the same: Provided, That all such contracts, relinquishments, gifts, grants, bequests and donations, shall be in writing, signed by the party making

SEC. 16. That in all cases when any person through whose land the road may run, shall refuse to relinquish the same, or when a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such difficulty may occur, that said facts do exist, and such justice shall thereupon summon the owner of such land, to appear before him on a particular day within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration, the advantages, as well as disadvantages, the road may be to the same, and shall report thereon, whether such person is entitled to damages or not, and if so, how much; and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown, and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: Provided, That either party may, at any stage of the proceedings appeal to the circuit court of the proper county, as in other cases; and such court shall appoint reviewers as above directed, who may report at that or the succeeding term in the discretion of the court, and the judgment of the circuit court shall be final.

SEC. 17. The corporation shall cause said road to be opened not exceeding one hundred feet wide and at least twenty four feet shall be made an artificial road, rising in the middle with a gradual curve, said road to be covered with gravel, sand, wood, stone, coal, clay or such

other materials as can best be procured, to be put on in as compact a manner as is usual for such materials.

SEC. 18. If it shall be found convenient or advantageous to the construction and location of said road, the corporation shall have the right to lay the same along and upon any State or county road: Provided, That all State and county roads crossing said turnpike road shall

be left open and free.

SEC. 19. That when said road or any particular section thereof shall be located, it shall be the duty of said corporation to cause a plat or plats thereof to be deposited in the office of the secretary of State, and after that time, it shall not be lawful for said corporation, to alter or change any part thereof, unless said corporation pay the owner or owners of the land on said route, the amount of damage they may sustain by such change.

SEC. 20. That if said road after its completion or any section thereof shall be suffered to go to decay, or be impassible for one year, unless when the same is repairing, this charter shall be considered as

forfeited.

Sec. 21. The corporation shall commence the construction of said read within five years, and complete the same within fifteen years: and whenever five continuous five miles of said road shall be completed, agreeably to the provisions of this act, the governor shall appoint an agent to examine the same, and report his opinion in writing to the corporation; and if said report shall state the road or any continuous five miles of the same, to be completed agreeably to the provisions of this act, the corporation may then erect a gate or gates, at suitable distances apart, not less than five miles, and demand and receive of all persons traveling said road, such tolls; and at such rates, as the said corporation may determine upon, to collect and recover from all persons traveling, or for the privilege of driving all kinds of live stock, wagons. and teams, pleasure carriages, sleighs and all other vehicles and things that may pass said road or any part thereof, as shall be for the interest of said company; and the same to change, lower, or raise at pleasure, a list of the rates established from time to time, shall be posted up at some conspicuous place or places at each gate.

SEC. 22. If any person or persons using said road shall, with intent to defraud said company, or to evade the payment of toll, pass through any private way, gate or bars, or along any other ground near to said turnpike gate, which shall be enclosed pursuant to this act, or shall practice any fraudulent means with intent to evade or lessen the payment of such toll, or if any person shall take another person off said road, with intent to defraud said corporation, each and every person concerned in such fraudulent practice, shall for every such offence forfeit and pay to the corporation the sum of five dollars, without any stay of execution, to be recovered with costs of suit in an action of debt at the suit of the corporation, before any justice of the peace in the county: Provided, That nothing in this act shall be so construed as to prevent persons residing along said road from passing about their premises, between the gates on said road upon ordinary business.

SEC. 23. The company shall put up a post or stone at the end of every mile, with the number of miles from the place where the road may commence, fairly cut or painted thereon, and also in a conspicuous place near each gate, shall be placed a board with the rates of toll fairly painted thereon, and all other necessary matter in relation to direction.

SEC. 24. Should the board doing county business for Miami or Fulton counties, or either of them, at any regular session of said boards so determine, they are hereby empowered to subscribe for stock in said company and appropriate any part of the three per cent. fund now on hand, or hereafter accruing to said counties or either of them

to the payment of such stock.

SEC. 25. Any person wilfully or negligently destroying, defacing, or removing any guide-board, mile post, or stone or list of rates of toll created on said road, shall, on conviction thereof before any justice of the peace, or court having competent jurisdiction, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit in an action on the case, at the suit and for the use of the corporation.

SEC. 26. If any toll-gather on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent jurisdiction,

within twenty days after the occurrence.

SEC. 27. The corporation shall cause to be kept a fair account of the whole expenses of making and repairing said road or any section thereof, with incidental expenses, and also a fair account of the toll received, and the books of the corporation shall always be kept open for the inspection of an authorized agent of the State, or stockholders of said company, and the company shall have the right to sell the stock to the State, upon such terms as they can agree.

Sec. 28. This charter shall be limited to fifty years in its duration, and shall be in force from and after its passage, and be liberally con-

strued, as a public act for all beneficial purposes.

#### CHAPTER XXVIII.

AN ACT to incorporate the Crawfordsville and Williamsport Turnpike Company.

#### [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana That Israel T. Canby and James Gregory of the county of Montgome

Lowery, James Cunningham and James Goodwin of the county of Warren and their successors in office, be, and they are hereby constituted a body politic and corporate, in the name and style of the president and directors of the Crawfordsville and Williamsport turnpike company; shall be able and capable in law and equity, to sue and be sued, defend and be defended, in any courts of law, either in this state or in the United States, and make and enforce such by-laws as shall be necessary to enable them to carry into effect the provisions of this act, not inconsistent with the constitution of the United States, nor of the laws and constitution of the state of Indiana.

SEC. 2. The capital stock of said company shall not exceed one million of dollars, divided into shares of fifty dollars each, with power to increase the capital stock of said company, if necessary, to accom-

plish the objects herein contemplated.

SEC. 3. The directors in this act named or a majority of them shall meet at such time and place as they may agree upon, and organize said corporation, by electing one of their body president; and after such organization, any five of them shall be a quorum, and authorized to do business.

SEC. 4. That the corporation shall have power to appoint all officers necessary for carrying fully into effect the provisions of this act, and they shall cause books to be opened for subscription to the capital stock, at such times and places as will comport with the interest of said company, and shall give due notice of the same in any way to make it most public.

SEC. 5. As soon as a sufficient amount of stock is subscribed for and paid in, so as to justify a commencement of said road, they shall take such steps to commence and complete the same, as the company

or a majority of them shall agree on.

Sec. 6. The said corporation shall have power, by themselves or agents, to examine, survey and locate a turnpike or rail road from Crawfordsville via Pleasant Hill in Montgomery county, Newtown and Robroy in Fountain county, to Williamsport in Warren county, and from thence to the state line, dividing the states of Indiana and Illinois, at such place as the company may deem most to the interest of

said corporation.

SEC. 7. That it shall be lawful for said company either by themselves or agents, after the line of said road is run, to obtain relinquishments and donations, gifts and grants, made and entered into in writing by any person able in law to contract; made in consideration of such location, for the benefit of the company, for a tract or parcel of ground, in width sufficient for said road; and for such materials as are necessary for the construction of said road, and in all cases, where the company, by themselves or their agent, cannot agree as to the value of any land or material that may be wanted for the construction of said road, they shall have power to call to their aid some disinterested individual or individuals, to compromise and settle all such disagreements; which when so settled, shall be final and conclusive.

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SEC. 8. That when said corporation shall have procured the right of way, as herein provided, they shall be seized in fee simple of the right to such land; and shall have the sole use and occupancy of the same for the purposes aforesaid; and no person, body corporate or politic, shall in any way interfere with, molest, injure or disturb any of the rights and privileges hereby granted.

SEC. 9. That whenever said road shall be completed from Williamsport to Robroy, and five miles of any other part of said road, the corporation shall have the right to set up toll gates and appoint gate keepers, and exact such toll or rates as shall best comport with the interest of said company, so as not to be considered oppressive upon pas-

SEC. 10. That if any person using said road or any part thereof, shall by any means whatever, attempt to evade the payment of such tolls as shall be required, he or she shall for every such offence, be liable to a civil action at law, by said corporation, before any justice of the peace of the proper township, or before any other court having jurisdiction thereof; and if such person be found guilty, he or she shall pay to the said company double the amount so endeavored to be evaded, with all the costs accruing from said action;

SEC. 11. If any person or persons shall wilfully injure the said road, by obstructions or any other way, shall be liable to indictment, and on conviction thereof, shall be fined or imprisoned in the jail of the proper

county, as the jury may deem most proper.

SEC. 12. That the Williamsport, Warren county bridge company, in the construction of said bridge, shall so construct the same with a draw of sufficient width in said bridge, so as to admit of the passage of steam or other boats.

SEC. 13. That when books are opened for subscription of stock either in the road or bridge company, mentioned in this act, nothing herein shall be so construed as to prohibit the state or any other incorporated company from subscribing for any amount of stock that may be agreed upon between the state and such corporations and this corporation.

SEC. 14. That the stockholders shall each be liable in their individual capacity for any debt or debts contracted by them during the time either of them was a stockholder to the amount of the stock by him owned: Provided however, that the property of the corporation shall first be exhausted or execution against the corporation regularly returned, no property found upon which to levy the execution.

SEC. 15. That operations shall be commenced under and by virtue of the provisions of this charter, within ten years, otherwise this charter

shall be forfeited and of no effect.

#### CHAPTER XVIII.

AN ACT to incorporate the Bailevtown and Chicago Turnpike Company.

#### APPROVED, FEBRUARY 15, 1838.7

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Jesse Morgan, Enos Thomas, and William Gossett of Porter county and their associates and assigns, are hereby constituted a body corporate and politic, under the name and style of the "Baileytown and Chicago turnpike company," and shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts whatsoever; and shall be able in law, to make contracts and enforce the same; and to make and enforce the necessary by laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the object contemplated by the same, not inconsistent with the laws and constitution of the state, and to make and use a common seal, and the same to alter and change at pleasure.

SEC. 2. The said corporation is hereby authorized to make and construct a good and substantial road from such point as they may select near Baileytown in Porter county, and to continue said road to the state line in the direction of Chicago, as near as the nature of the

ground will admit.

The said corporation shall substantially bridge all streams upon the said route, shall bridge all swamps with timber and cover the same with sand, and shall open the said road, not exceeding eighty feet, at least twenty feet of which shall be an artificial road, composed of stone, gravel, timber or other suitable materials, well compacted together in such manner as to secure a firm, substantial and even road, rising in the middle with a gradual curve, and shall maintain and keep the same in good repair.

SEC. 3. Should the said road not be completed within three years after the passage of this act, or should the same after being completed, be suffered to remain out of repair for the space of six months at any one time, then and in either such cases, this charter shall be con-

sidered as forfeited.

SEC. 4. The said corporation shall erect only one toll gate upon said road, which shall be situated at the bridge across the Grand Calumet river, and are hereby authorized to charge the following rates of toll, viz.

A wagon drawn by four horses	75 cents.
A wagon drawn by three horses	50 do
A wagon drawn by two horses	50 do
For every person on a wagon more than the driver	61 do

25 do One horse, wagon and driver Two wheel carriages with horse and driver . 121 do 64 do Footmen Oxen and wagons rated same as horses. 64 do 1 do

SEC. 5. The United States mail shall pass free, but this exemption shall not extend farther than carriage and horses, and the driver of the same. Persons passing to and from public worship, shall pass free of toll, and all residents upon said road shall only pay toll in pro-

portion to the distance they may travel upon the same.

SEC. 6. For the purpose of making the examination and location of said road, it shall be lawful for the said corporation, by their agents or persons in their employ, to enter upon any lands to make surveys and estimates, and for the purpose to search for timber, stone, gravel or other materials necessary for the construction of said road; but no wood, gravel, stone or other material shall be taken away from any land without the consent or knowledge of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 7. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass a relinquishment of so much of said land as may be necessary for the construction of said road, as also the stone, gravel, timber and other materials that may be obtained on said route; and may contract for stone, gravel, timber and other materials that may be obtained from any lands near thereto; to receive by donations, gifts, grants or bequests, lands, money, labor, property, stone, gravel, wood or other materials for the benefit of said corporation; and all such contracts, relinquishments and donations, gifts, grants or bequests, made and entered into in writing by any person or persons able in law to contract, made in consideration of such location and for the benefit of the corporation, shall be binding and obligatory; and the corporation shall and may have their action at law in any court of competent jurisdiction to compel a compliance thereto; and in all cases where the said road may be located on any wild lands not owned by any individual or individuals at the time of location of said road, such person or persons purchasing said land through which said road passes, shall not be allowed to claim any damages for so much land as may be necessary for the construction of said road.

SEC. 8. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such circumstance may occur or exist, and such justice shall thereupon summon the owner of the land to appear before him on a particular day within ten days thereafter, and shall appoint twelve disinterested

persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the lands or materials, and after having taken into consideration the advantages as well as the disadvantages the road may be to the same, report thereon whether such person be entitled to damages or not; and if so, how much, and shall file such report with the said justice of the peace: whereupon said justice shall enter judgment thereon, unless for good cause shown; and in case either party shall show sufficient cause why judgment shall not be entered, the justice may grant a review of the premises, either with or without costs: Provided, either may at any time after the rendition of judgment, appeal to the circuit court of the proper county, as in other cases; and such court shall appoint reviewers as above directed, who shall report at that or at the succeeding term of the circuit court, in the discretion of the court, and the judgment of the circuit court shall be final when rendered.

SEC. 9. If it shall be found necessary to the construction and location of said road, the corporation shall have the right to lay the same along and upon any state or county road: Provided, that all county and state roads crossing said turnpike road, shall be left open and

free.

Sec. 10. That when said corporation shall have procured the right of way as herein provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupancy of the same for the purposes aforesaid; and no person, body corporate or politic, shall in any way interfere with, molest, injure, or disturb any of

the rights and privileges herein granted.

SEC. 11. That when said road or any particular section thereof shall be located, it shall be the duty of said corporation to cause a plat or plats thereof to be deposited in the office of the secretary of state, and after that time it shall not be lawful for said corporation to alter or change any part thereof unless said corporation pay the owner or owners of land on said route, the amount of damages they may sustain by such change.

SEC. 12. The said corporation shall keep a fair and complete table of the rates of toll neatly painted in a conspiccous position near the

toll gate on such road.

SEC. 13. Any person wilfully or negligently destroying, defacing or removing any guide board, mile post or stone, or list of rates of toll erected on said road, shall on conviction thereof before any justice of the peace, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit in an action on the case, at the suit and for the use of the corporation.

SEC. 14. If any toll gatherer on said road shall unreasonably detain any passenger, after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent juris-

diction, within twenty days after the occurrence.

SEC. 15. This charter shall be limited to forty years in its duration.

SEC. 16. This act to be in force from and after its passage, and shall be considered a public act in all courts of record in and out of this state, and in courts of justices of the peace, and shall be beneficial-

ly construed.

The state reserves the right to intersect or cross the said road with any state work hereafter to be made, and the navigation of any stream which said road may cross shall not be impaired; and the state reserves the right of improving the navigation of any such stream, in any manner deemed expedient.

#### CHAPTER XXIX.

AN ACT to amend an act entitled "an act to incorporate the Buffalo and Mississippi Rail Road Company," approved February 6, 1835.

#### APPROVED, FEBRUARY, 7, 1838.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the 28th section of the act to which this is an amendment,

be, and the same is hereby repealed.

SEC. 2. That the number of jurors required by the seventeenth section of said act, to assess damages for the right of way, or for materials for the construction of said road, be, and the same are reduced to the number of three; and that so much of said seventeenth section as comes within the perview of this act, be, and the same is hereby repealed.

SEC. 3. That any donation, gift, grant, or bequest, made in land, property of any description, or materials, to said company in consideration of the location of said road or otherwise, or for the benefit of the corporation, shall authorize the company to sell, or otherwise dispose of the same in such manner as in their opinion may be best calculated

to aid them in the prosecution of the work.

SEC. 4. The said company are hereby authorized to purchase such lands along or near the line of said road as they may deem useful to aid them in the construction thereof, not exceeding eighty acres in any one tract, and the same to sell and convey or otherwise dispose of at

pleasure.

SEC. 5. The power of said company to contract for a loan or loans is hereby extended to any sum not exceeding one million of dollars, and for the payment of such interest on the same as the parties contracting may agree upon, not exceeding eight per centum per annum for one hundred dollars; so much of the thirty-second section of the

act to which this is an amendment, as comes within the perview of this section, be and the same is hereby repealed.

SEC. 6. This act, and the act to which this is an amendment, is hereby declared to be a public act, and as such shall be liberally construed in any and all courts of justice for all beneficial purposes.

SEC. 7. This act to be in force from and after its passage.

#### CHAPTER XXX.

AN ACT to incorporate the Brookville and Richmond Canal Company.

#### [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Benjamin Fulgham, Edmond Grover, Col. Smith Hunt, Thomas J. Larsh, Warner M. Leeds, James R. Mendenhall, Robert Morrison, Atticus Siddall and Achilles Williams of the county of Wayne, James Beard, William Youse, John Rider, Jesse Starr, Jacob Immel, and James Osborn of the county of Union, James L. Andrew, James N. McMannus, Gregg M. Thompson, Nathaniel Bassett, James H. Speer, Samuel Goodwin, James S. Coalscott, John A. Matson, and Abner McCarty, of the county of Franklin, their associates and successors be, and they are hereby constituted and made a body politic and corporate, and shall be and remain a corporation forever, under the name of the Richmond and Brookville Canal Company," and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution in all courts having competent jurisdiction, and may have a common seal, and the same alter and renew at pleasure, and shall be and are hereby vested with all the powers and privileges necessary to carry into effect the objects of this association.

SEC. 2. That the said corporation be, and is hereby authorized to locate and construct upon the general plan and dimensions of the White-water canal, a navigable canal, with all necessary locks, towing paths, basins, aqueducts, culverts, waste-wiers, dams, wharves, embankments, toll houses, and all the necessary appendages on a route, commencing west of the town of Richmond in Wayne county at a suitable point on the East fork of Whitewater, sixty rods north of the line dividing townships thirteen and fourteen in range one west—thence along the valley of said East fork of Whitewater to a junction with the Whitewater canal at or near the town of Brookville in Franklin county, which canal shall be designated and known as the "Richmond and Brookville Canal," and they shall be at liberty, and are hereby clothed with power to use the water of the said East fork of Whitewater, or any rivers, streams and fountains of water, near to or over

which the said canal may pass, and to construct feeders or any other improvements for the use of said canal, or for any hydraulic works connected with it: Provided, That the said company shall not take from any stream, river, reservoir, or other fountain of water, more than is necessary for the convenient and economical navigation of said canal, unless they shall have first obtained the consent in writing of every person or persons, corporation or corporations, lawfully claiming the water in any stream, river, or other fountain from which they may draw an excess over and above so much as may be necessary for the

purposes of navigation.

SEC. 3. That for the purpose of assuring to the said corporation all the lands, real estate, waters, and materials requisite for the most economically constructing and maintaining said canal and the works connected therewith, and incident, and necessary to the navigation of the same, whenever the said lands, waters, and materials shall not be obtained by voluntary donation or fair purchase, it shall be lawful for said corporation by any of their officers, and by each and every agent, superintendent or engineer by them employed, to enter upon and take possession of, and use all such lands, real estate and streams as shall be necessary for the purposes aforesaid; and also to enter upon and take all necessary materials for the construction of said canal, and other works connected therewith, adjoining or near said canal or other works, on whose lands soever they may be, and not otherwise taken and appropriated by the owner to any special use doing thereby no unnecessary damage, they satisfying and paying all damages which may be occasioned thereby to any person or persons, corporation or corporations in the manner hereinafter provided.

Sec. 4. That if at any time after said canal or any of its branches or feeders are located, any unforeseen obstacles, impediments, or inconveniences occur on the route located, the said corporation shall have power to deviate from the course marked out, so far and in such manner as may be best calculated to surmount, overcome, or avoid such obstacles or inconveniences; said corporation satisfying all damages which may be occasioned thereby in the manner hereafter provided; and said corporation may from time to time make such alterations in the course or dimensions of said canal, its branches and feeders, as may be necessary or expedient, satisfying all damages in manner afore-

said.

SEC. 5. That the said corporation be and is hereby authorized and empowered to purchase and hold to them and their successors forever, real and personal estate to any amount necessary for constructing, maintaining, and repairing said canal and the works connected therewith; and may receive, hold and take all voluntary grants and donations of lands and real estate, which shall be made to aid the objects of said corporation, and may also erect mills and other hydraulic works on said canals, feeders, and reservoirs; and whenever in any of the ways aforesaid said corporation shall become possessed of and own any lands or real estate, which it may be necessary for them to retain for the purposes aforesaid, it shall be lawful for them to lease,

occupy, alien and convey the same by lease or deed with their seal affixed thereto: Provided however, that all lands and estates belonging to said corporation, necessary for the navigation of said canal, and for maintaining and repairing the same, and the works connected therewith, shall be held by said corporation and applied to and for the aforesaid purposes.

SEC. 6. That a toll be, and is hereby granted and established for the sole benefit of said corporation forever; and it shall be lawful for said corporation from time to time to fix, regulate and receive the tolls and charges by them to be receivable for the passage of boats or other craft, and for the transportation of property or persons, on the canal authorized by this act: *Provided*, that the rates of toll established from time to time shall be posted up in some conspicuous place or places on

said canal.

Sec. 7. That the president and directors of said corporation shall have power from time to time to make and ordain such by-laws, rules, and regulations as may be necessary touching the premises: and the penalties provided by said by-laws, rules, and regulations, may be sued for, and recovered by the treasurer of said corporation or by any other person thereunto, by said corporation, authorized, to their own use and benefit before any court having competent jurisdiction; which penalties shall in no case exceed the sum of ten dollars: and said corporation shall cause said by-laws, to the breach of which penalties are affixed, to be printed, and a copy thereof to be placed in some conspicuous situation at each toll-house; and if any person or persons shall wilfully or maliciously mar, deface, or pull down any copy so set up, said corporation may sue for, and recover to their own use a sum not exceeding ten dollars, nor less than five dollars, of any person or persons.

SEC. 8. That if any person or persons shall wilfully obstruct the water or navigation, remove or in any way spoil, injure or destroy said canal or its branches, feeders, or reservoirs, or any part thereof, or any thing belonging thereto, or any material to be used in the construction thereof, such person or persons (or any person or persons) assisting, aiding or abetting in such trespass, shall forfeit and pay to the said corporation, treble the amount of the damage sustained by means of such offence or injury, to be sued for and recovered with cost of suit and by action of debt in any court having competent jurisdiction, by the treasurer of said corporation, or by any other person

thereunto, by said corporation, authorized.

SEC. 9. That whenever any lands, water or materials shall be taken for the construction of said canal or any of its feeders, or works connected therewith, and the same shall not be given or granted to said corporation, and the proprietor or proprietors do not agree with said corporation as to the compensation to be paid therefor, it shall be lawful for the person or persons claiming compensation as aforesaid, to select for themselves one arbitrator, and the said corporation shall also select one arbitrator: and the two thus selected shall take to them-

selves a third, who shall award as arbitrators between the parties, and report the result of the said award in writing, from which said award either party may appeal to the circuit court having jurisdiction thereof; and in all cases where compensation shall be claimed for lands or waters, it shall be the duty of the arbitrators, or the court to estimate any advantage which the location and establishment of said canal may be to the person or persons claiming such compensation: and such advantage, if any, shall be set off against the compensation so claimed of said corporation, and said appeal when taken, shall, in all respects proceed as in other cases, to said court, and be brought into said court by filing the award with the clerk of the court, whose duty it shall be to enter the same on his docket, setting down the person or persons who claim compensation as plaintiff, and the corporation as defendant.

Sec. 10. That it shall be the duty of said corporation to make and construct said canal with good and sufficient locks; which shall not be less than the Whitewater canal in regard to the average breadth and depth of the water therein, and the length and breadth of the locks erected thereon, so as to admit of the easy passage of the same boats or other water crafts which may be used in the navigation of said canal; and also to keep in good repair suitable and convenient bridges over said canal, in all such places where said canal shall cross any existing state and county road, which at the time of location shall be opened and used as such without unnecessary delay; and the said canal and works to be erected thereon in virtue of this act, when completed, shall forever thereafter be esteemed, and taken to be navigable as a public highway, free for the transportation of all goods, commodities and produce whatsoever, on payment of the tolls to be imposed as provided by this act; and no other toll or tax whatever for the use of said canal and the works thereon erected shall at any time hereafter be imposed, but by the consent of the state of Indiana.

SEC. 11. That in all cases where any road or public highway, is so located as that said canal or any of its tributaries cannot be judiciously laid out and made without interfering therewith, it shall be lawful for said corporation to cause such road or highway to be so altered as that said canal and other works may be laid out and constructed on the most advantageous site of ground: Provided, that said corporation shall cause such road or highway thus altered to be put in as good repair as the old one was at the time of removing the same, at their own cost and expense, and before shutting up or obstructing said high-

SEC. 12. That if after the location and construction of said canal as aforesaid, any alterations shall be made in the course or dimensions of its feeders or branches, or if any new branches or feeders shall be made in aid of said canal, the damages may be estimated in the same way and the same proceedings had, in manner provided in this act.

SEC. 13. The capital stock of said corporation shall consist of five hundred thousand dollars, to be divided into shares of fifty dollars each,

and may be subscribed for by individuals, companies, corporations or States. The persons named in the first section of this act, or any nine of them shall be commissioners, whose duty it shall be, as soon as may be convenient or expedient, after the passing of this act, at some suitable place or places designated and chosen by said commissioners, to open books of subscription to the capital stock of said corporation. Thirty days public notice shall be given by the said commissioners of the time and place or places of opening such books, in two or more public newspapers printed in the county or counties of Wayne, Union, and Franklin, in the State of Indiana. Books for subscription shall be kept open twenty days, Sundays excepted, and five dollars for each share subscribed shall be paid to the commissioners before the election of the first board of directors. In case there shall be subscriptions to more than the amount of stock authorized by this act within the twenty days, it shall be the duty of the commissioners to apportion the same among the subscribers thereto, in such manner that no subscription shall be reduced, while any other remains greater, nor shall any subscription be reduced below ten shares, and if after such reduction, there should still remain an excess of subscriptions, such excess shall be deducted from the subscriptions last made. As soon as the subscription to the capital stock shall be completed, and distribution thereof made as aforesaid, the said commissioners shall give a like notice of thirty days for a meeting of the stockholders to elect seven directors, each of whom shall be a stockholder to an amount of at least ten shares, and a resident of the county of either Wayne, Union or Franklin, of the State of Indiana; and they shall hold their offices for one year, or until their successors shall be chosen, as hereinafter provided for. The said commissioners shall be inspectors of the first election of directors of said conporation, and shall certify under their hands the names of those duly elected, and deliver over to them the subscription books and subscriptions. At said election, and at all subsequent elections, each stockholder shall have one vote on each share up to ten; one vote on every two shares above ten up to thirty, one vote on every three shares above thirty up to sixty, one vote on every four shares above sixty up to one hundred; and one vote on every five shares above one hundred; but no individual company or corporation shall have more than one hundred votes. The time and place of holding the first meeting of the directors shall be fixed by the said commissioners; and the directors which shall be chosen at such first election, and at each annual election thereafter, shall, before entering upon the puties of their office, take an oath or affirmation, faithfully and diligently to perform the duties of the same to the best of their abilities, and shall also at their first meeting choose one of their number to be president, who shall preside until the next annual election thereafter, and until another president shall be chosen. In case of the death, resignation, or removal from the State of the president or any director, such vacancy or vacancies may be filled for the remainder of the year by the board of directors. They shall also appoint a secretary and treasurer, determine their salaries, prescribe their duties, and require

such security from the latter as they may deem expedient. A majority of the directors shall constitute a board for every purpose within the provisions of this act. Every election of directors, after the first, shall be held on the first Monday of January, in each and every year. and at such hour and place in the borough of Richmond, Wayne county, State of Indiana, as the board of directors for the time being, shall appoint, after notice aforesaid, and they shall hold their offices for one year, and until their successors are chosen and qualified. Every such election shall be held under the inspection of three or more stockholders in said corporation, not being directors, to be previously appointed by the board of directors for that purpose. Any stockholder not personally present, may vote by proxy; such proxy being granted directly to the person, representing him at such election.

SEC. 14. The president and directors of said company shall have full power to negotiate with any individual or corporation for any loan or loans, to an amount not exceeding one half the capital stock of said company, to be applied to the construction of said canal, at such times and at such sums, and in such manner as may be prescribed by the bylaws of said company, and for the payment of such loans the said president and directors shall assign the bonds of such company for such sums and payment at such times as they may deem expedient. And such bonds shall pledge the stock of said company and all the tolls and profits arising from said canal, for the payment of the interest and the redemption of the principal of said bonds.

SEC. 15. That in case it should at any time happen that the election of directors shall not be made on any day, when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time directed by the by-laws of the said corporation.

SEC. 16. That each stockholder shall be bound to pay annually any sum not exceeding one-fifth the amount of his stock as the president and directors may lawfully require, by giving at least sixty days previous notice of the time and place of making the payments required, in at least two newspapers in general circulation in the said counties of Wayne, Union and Franklin, but no assessment shall ever be made, so as to render any subscriber liable to pay more than fifty dollars for a share. If however after the closing of said books, or at any time it shall appear that sufficient funds have not been raised, or the capital stock shall not be sufficient, the president and directors of said company, or its officers duly authorized for that purpose, may at any time raise the necessary funds by creating and selling additional shares in such manner and upon such terms as the president and directors shall prescribe, and the holders of such additional shares shall thenceforward be members of said corporation for all purposes.

SEC. 17. That if any subscriber shall neglect to pay his subscription or any portion thereof, for the space of thirty days after he is required so to do by the said president and directors, notice having been given as required by this act, the treasurer of said corporation or any other officer duly authorized for that purpose, may make sale of said

share or shares at public auction, to the highest bidder, giving at least thirty days previous notice thereof in some public newspaper in gener. al circulation in the said counties of Wayne, Union and Franklin, and the same shall be transferred by the treasurer, in the manner hereinafter provided, to the purchaser, and said delinquent subscriber shall be entitled to the overplus, if the same shall be sold for more than the amount so remaining due after deducting the costs of sale.

SEC. 18. The stock of said corporation shall be personal property, and shall be transferrable upon the books of said corporation, accord-

ing to the rules and by-laws thereof.

SEC. 19. That when the land or other property or estate belonging to any infant, married woman, or insane person shall be taken and appropriated for the use and purposes of said canal, as aforesaid, the husband of such married woman, and the guardian of such infant or insane person, respectively may execute any deeds, enter into any contracts, or do any other matter or thing respecting such lands or other estate, to be taken and appropriated as aforesaid, as they might do if the same were by them holden in their own rights respectively.

SEC. 20. The president and directors shall semi-annually after the completion of said canal, declare and make such dividends as they may deem proper of the nett profits arising from the resources of said company, deducting the probable amount of outstanding debts, and the necessary current and contingent expenses, and they shall divide the same amongst the stockholders of said company in proportion to their

respective shares.

SEC. 21. That the said corporation shall be entitled to the benefit of all laws, which are or shall be in force for the collection of tolls. or for the protection of any canals constructed by this state, so far as such law or laws shall be necessary to ensure the collection of tolls, or for the protection of the canal and other property which the said corporation may lawfully hold within the limits of this state, in order more fully to carry into effect the provisions of this act; and in any suit instituted against the said corporation, the service of legal process on the president, or on the treasurer or secretary of said corporation, shall be deemed and held in all courts and places a sufficient and valid service on said corporation.

SEC. 22. That the state shall have the power at any time after the expiration of five years from the time of the completion of said canal to purchase and hold the same to the use of the state, by paying to the said corporation therefor such sum, as together with the nett proceeds of the tolls collected on said canal, shall be equal to the sum expended by said company in the location, construction and superintendence of of said canal, with six per centum thereon, and if the proceeds of the tolls, after defraying the expense of superintendence and repairs, shall exceed six per centum per annum on the sum expended in the location and construction of said canal, from the time of making said expenditures, the state shall, in that case, be entitled to purchase said canal by paying to said company the sum so expended without interest.

SEC. 23. That for the purpose of enabling the stockholders to ascertain the cost and profits of said canal, plain and accurate accounts of all the expenditures and receipts of said company, specifying clearly the nature of each, shall be kept by the company, and shall be at all times subject to the inspection of said stockholders, or of the board of public works, or any agent appointed by said board, or by the general assembly, to inspect the same.

SEC. 24. That if the corporation hereby created shall not within two years from the passage of this act become organized and within seven years thereafter construct and put in operation the canal hereby contemplated, or if after the completion thereof, they shall fail for one year at any one time, to keep the same in repair, then, or in either case, the said corporation shall thenceforth forever cease, and their

charter de forfeited.

#### CHAPTER XXXI.

AN ACT, to incorporate the Northfield Steam-Mill and Manufacturing Company.

#### [APPROVED FEBRUARY 15, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That for the purpose of building and managing a steam mill for grinding grain, sawing timber and driving such other machinery as may be attached to said mill for manufacturing purposes and carrying on the business incident thereto, in or near the town of Northfield in the county of Boone, Henry Nichols, Abner Sanborn, William M. Simpkins, Jacob Tiption, Daniel Heaton, Elihu Long, Hiram M. McQuitty, and their associates be, and they are hereby constituted a body politic and corporate, by the name and style of the Northfield steam mill and manufacturing company, and by such name and style shall have full and complete power to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any court having competent jurisdiction.

SEC. 2. The process against said corporation shall be by summons, which being executed on the president or any director thereof, hereinafter mentioned. The further proceedings shall be the same as

against natural persons.

SEC. 3. The said corporation may have and use a common seal and the same may be altered or changed at pleasure, and shall be capable of purchasing, holding, using and conveying any property or estate either real or personal that may by them be deemed necessary in prosecuting the business aforesaid.

SEC. 4. The capital stock of said corporation shall be fifty thousand dollars, and shall be divided into shares of twenty five dollars each, but it shall be lawful for said corporation to commence said business when and so soon as three thousand and five hundred dollars shall have been subscribed for, and with that capital to conduct and carry on the same until they shall find it expedient to extend their capital, which they are authorized to do from time to time to the amount hereinbefore mentioned.

SEC. 5. The subscriptions to said stock shall be opened under the direction of Hiram M. McQuitty, Abner Sanborn and Daniel Heaton or any two of them who are hereby appointed commissioners for that purpose, and are authorized to receive subscriptions to said capital stock, on such days and at such places after the passage of this act, at Northfield or in said county as they shall appoint, and the sum of two dollars and fifty cents on each share shall be paid into the commis-

sioners previous to the election for directors.

Sec. 6. The stock, property and concerns shall be managed and conducted by five directors, who shall be stockholders in said corporation, one of whom to be president, who may respectively hold their offices one year, and until their successors shall be elected and qualified: *Provided*, that the directors first elected shall hold their offices until the first Monday of September succeeding their election, and until others

are elected and qualified in their stead.

- SEC. 7. So soon as the sum of three thousand five hundred dollars shall have been subscribed, and the sum of two dollars and fifty cents shall have been paid in on each share, pursuant to the requisitions of this act, the commissioners appointed by the fifth section of this act, shall give notice by written advertisements posted up in five public places in said county, or by publishing the same in some public newspaper printed in said county for an election of directors, on such day and at such place in the town of Northfield as said commissioners or a majority of them may designate, which notice shall be given at least ten days prior to such election.
- SEC. 8. The directors of said corporation shall be chosen annually on the first Monday in September in each year at such place in the town of Northfield as a majority of the directors for the time being may prescribe, of which election notice shall be given at least ten days by written advertisements posted up in five public places in said county of Boone or by publication in some public newspaper printed in said county.

SEC. 9. The first election herein contemplated shall be held under the direction and inspection of the commissioners before mentioned, and all subsequent elections under the inspection of the directors for the

time being

SEC. 10. All elections shall be by ballot, and a majority of all votes present, (allowing one vote for each share), shall be necessary to a choice.

SEC. 11. The directors chosen under the provisions of this act, as soon as may be after their election, shall proceed to elect one of their

number president, and if any vacancy shall at any time happen among the directors by death or otherwise, such vacancy shall be filled for the remainder of the term by the directors then in office.

SEC. 12. In case it shall happen at any time that an election of directors should not be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold an election for directors in such manner as shall be regulated by

the laws and ordinances of said corporation.

SEC. 13. A majority of the board of directors for the time being shall form a quorum for the transaction of all business of said corporation and shall have power to prescribe and make such by-laws and regulations (not repugnant to the laws and constitution of the United States or of this state) as shall seem to them needful and proper touching the management and disposition of property, estate and effects of the said corporation, the duty and conduct of the officers and men employed therein, the election of directors, and all such matters as appertain to the concerns of said institution, and shall have power to employ as many persons as shall be necessary for carrying on the business of said corporation.

SEC. 14. The stock of said company shall be assignable and transferable according so such rules and regulations as the board of directors may make and establish and shall be considered as personal property: Provided, that no transfer of said stock shall be valid or effectual until the same shall have been registered in a book to be kept for that purpose by the president, which shall at all reasonable hours of transacting business be open to the examination of any stockholder or any person having any demand against such corporation, and in case any officer of the company having charge of such book shall refuse to let the same be examined as aforesaid, he shall for every such offence forfeit the sum of fifty dollars, one moiety to the Boone county seminary, and the other moiety to the person who shall sue for the same by action of debt in any court in said county of competent jurisdiction together with cost of suit.

SEC. 15. The directors shall at all times keep or cause to be kept at some proper place, proper books of accounts, in which shall be entered all the transactions of said corporation, which books shall at all times be subject to the inspection of the stockholders of said company.

SEC. 16. The said corporation shall not contract debts so as to be liable at any one time, to a greater amount than the capital stock of the same, and each stockholder shall be liable for debts contracted by said corporation during the time he was or is a stockholder, on a failure of

sufficiency of property belonging to said company.

SEC. 17. The directors shall have full power to receive and by due course of law to collect all subscriptions in writing for the purpose of raising the funds necessary to carry into effect the object of said corporation, and shall be entitled to recover ten per centum damages on any instalment of stock which shall not be paid pursuant to the requisitions of the board after ten days notice to the subscriber that the same is due.

SEC. 18. The said corporation hereby created shall not engage in any banking business whatever.

SEC. 19. This charter shall be, and the same is hereby limited to the term of fifty years from and after the first day of March, 1838.

SEC. 20. This act shall be and the same is hereby declared to be a public act, shall be liberally construed for beneficial purposes, and shall be in force and take effect from and after its passage.

#### CHAPTER XXXII.

AN ACT to incorporate the Westfield Steam Mill and Manufacturing Company.

[APPROVED, FEBRUARY 17, 1838.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That for the purpose of building and managing a steam mill for grinding grain, sawing timber and driving such other machinery as may be attached to said mill for manufacturing purposes and carrying on the business incident thereto, in or near the town of Westfield in the county of Hamilton, Benjamin Wheeler, Asa Bales, Israel Haines, Anderson Scott, Robert Taylor, and their associates be, and they are hereby constituted a body politic and corporate by the name and style of the Westfield Steam Mill and Manufacturing Company, and by such name and style shall have full and complete power to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any court having competent jurisdiction.

SEC. 2. The process against said corporation shall be by summons which being executed on the president or any director thereof, hereinafter mentioned, the further proceedings shall be the same as against

natural persons.

SEC. 3. The said corporation may have and use a common seal and the same may alter or change at pleasure, and shall be capable of purchasing, holding, using and conveying any property or estate, either real or personal that may by them, be deemed necessary in prosecuting

the business aforesaid.

SEC. 4. The capital stock of said corporation shall be fifty thousand dollars and shall be divided into shares of twenty-five dollars each, but it shall be lawful for said corporation to commence said business, when and so soon as three thousand five hundred dollars shall have been subscribed for, and with that capital to conduct and carry on the same, until they shall find it expedient to extend their capital which they are authorized to do from time to time to the amount herein before mentioned.

SEC. 5. The subscriptions to the said stock shall be opened under the direction of Asa Bales, Benjamin Wneeler, and Israel Haines, or any two of them who are hereby appointed commissioners for that purpose

and are authorized to receive subscriptions to said capital stock, on such days and at such place (after the passage of this act) at Westfield. or in said county as they shall appoint, and the sum of two dollars and fifty cents on each share shall be paid to the commisssioners, previous to the election for directors.

SEC. 6. The stock, property and concerns shall be managed and conducted by five directors, who shall be stockholders in said corporation. one of whom to be president, who may respectively hold their offices one year, and until their successors shall be elected and qualified: Provided, that the directors first elected shall hold their offices until the first Monday of September succeeding their election, and until

others are elected and qualified in their stead.

SEC. 7. So soon as the sum of three thousand five hundred dollars shall have been subscribed, and the sum of two dollars and fifty cents shall have been paid in on each share pursuant to the requisitions of this act, the commissioners appointed by the fifth section of this act shall give notice by written advertisements posted up in five public places in said county, or by publishing the same in some public newspaper printed in said county for an election of directors on such day and at such place in the town of Westfield as said commissioners may designate, which notice shall be given at least ten days prior to such election.

SEC. 8. The directors of said corporation shall be chosen annually on the first Monday in September in each year at such place in the town of Westfield, as a majority of the directors for the time being, may prescribe; of which elections notice shall be given at least ten days by written advertisements posted up in five public places in said county of Hamilton, or by publication in some public newspaper printed in said county.

SEC. 9. The first election herein contemplated shall be held under the direction and inspection of the commissioners before mentioned, and all subsequent elections under the inspection of the directors for

the time being.

SEC. 10. All elections shall be by ballot and a majority of all votes present (allowing one vote for each share) shall be necessary to a choice.

SEC. 11. The directors chosen under the provisions of this act as soon as may be after their election shall proceed to elect one of their number president, and if any vacancy shall at any time happen among the directors by death or otherwise, such vacancy shall be filled for the remainder of the term by the directors then in office.

SEC. 12. In case it shall happen at any time that an election of directors should not be made, the said corporation shall not for that cause be deemed to be discharged, but it shall be lawful on any other day to hold an election for directors in such manner as shall be regulated by the by-laws and ordinances of said corporation.

SEC. 13. A majority of the board of directors for the time being shall form a quorum for the transaction of all business of said corporation, and shall have power to prescribe and make such by laws and regulations (not repugnant to the laws and constitution of the United

States or of this state) as shall seem to them needful and proper touching the management and disposition of property, estate and effects of the said corporation. The duty and conduct of the officers and men employed therein, the election of directors and all such matters as appertain to the concerns of said institution, and shall have power to employ as many persons as shall be necessary for carrying on the business of said corporation.

SEC. 14. The stock of said company shall be assignable and transferable according to such rules and regulations as the board of directors may make and establish, and shall be considered as personal property: Provided, that no transfer of said stock shall be valid or effectual until the same shall have been registered in a book to be kept for that purpose by the president, which book shall at all reasonable hours of transacting business be open to the examination of any stockholder or any person having any demand against said corporation and in case any officer of the company having charge of such book shall refuse to let the same be examined as aforesaid he shall for every such offence forseit the sum of fifty dollars, one moiety to the Hamilton county seminary, and the other moiety to him who will sue for the same by action of debt in any court in said county of competent jurisdiction, together with costs of suit.

SEC. 15. The directors shall at all times keep or cause to be kept, at some proper place, proper books of accounts, in which shall be entered all the transactions of said corporation; which books shall at all times be subject to the inspection of the stockholders of said company.

SEC. 16. The said corporation shall not contract debts so as to be liable at any one time to a greater amount than the capital stock of the same, and each stockholder shall be liable for debts contracted by said corporation during the time he was or is a stockholder, on a failure of a sufficiency of property belonging to said company.

SEC. 17. The directors shall have full power to receive and by due course of law to collect all subscriptions in writing for the purpose of raising the funds necessary to carry into effect the object of said corporation, and shall be entitled to recover ten per centum damages on any instalment of stock which shall not be paid pursuant to the requisitions of the board after ten days notice to the subscriber that the same is due.

SEC. 18. The said corporation hereby created shall not engage in

any banking business whatever.

SEC. 19. This charter shall be and the same is hereby limited to the term of fifty years from and after the first day of March, 1838.

SEC. 20. This act shall be and the same is hereby declared to be a public act, shall be liberally construed for beneficial purposes, and shall be in force, and take effect from and after its charter.

#### CHAPTER XXXIII.

AN ACT to Incorporate the Knightstown Canal Manufacturing and Trading Company.

#### [APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Jonathan W. Macy, Solomon McCain, Edward K. Hart, George Davis, Waitsell M. Cary, William M. Tate and Joseph M. Whitesell, of the town of Knightstown, and their successors in office, are hereby constituted and appointed a body corporate and politic, by the name and style of "The Knightstown Canal Manufacturing and Trading Company," by which name they and their successors and assigns shall have continual succession, and be entitled to all the privileges and immunities of the laws of this State, as a body politic and corporate, such as contracting, and being contracted with, suing and being sued, pleading and being impleaded, defending and being defended in any court of competent jurisdiction; and that they and their successors may have a common seal, and may make and alter the same at pleasure, and that their successors as a body corporate, by the aforesaid name, shall be competent and capable of purchasing, holding, using and conveying any property, or estate whatsoever, real or personal, that may be deemed necessary to the prosecution of their designs aforesaid; and the said corporation as herein described, shall exist for the term of fifty years from and after the passage of this act.

SEC. 2. The capital stock of said corporation shall consist of five hundred thousand dollars, consisting of shares of fifty dollars each; that it shall nevertheless be lawful for said corporation, so soon as fifteen thousand dollars shall be subscribed, to commence their business. and they shall be entitled to all the privileges of extending the amount of the capital stock by subscription to the amount of five hundred thousand dollars, as the interest or business of said corporation may require. And the said Jonathan W. Macy, Solomon McCain, Edward K. Hart, George Davis, Waitsell M. Cary, William M. Tate, and Joseph M. Whitesell, or any two of them, are hereby constituted and appointed commissioners, and as such, are hereby authorized to open books and receive subscriptions to said stock, at such places and times as they may deem expedient after the passage of this act, first giving at least ten day's notice, by posting up written notices in at least three different places in the county where books for stock are opened, which subscription shall be paid at such time and manner as the board of direc-

sec. 3. It shall be lawful for all persons of lawful age, for the agent of any corporate body, on behalf of the same, to subscribe for any amount of capital stock; and the books shall be kept open for such space of time as the directors of said corporation shall choose, and may

be re-opened at any time; and the said corporation may, by an agent, offer for sale in any other State, any amount of stock upon such terms and conditions as may be thought advisable, and the said directors shall have power on their own credit, to borrow money upon such terms as may be agreed upon by the parties. The directors may require such sum of money to be paid at such times as they may think proper; but such terms as they may agree upon shall be inserted in the notice of opening books of subscription.

SEC. 4. The said Jonathan W. Macy, Solomon McCain, Edward K. Hart, George Davis, Waitsell M. Cary, Wm. M. Tate and Joseph M. Whitesell, shall act as directors, until the second Monday of No-

vember, 1838, and until their successors are elected.

SEC. 5. Seven directors shall be elected on the the second Monday in November, 1838, by the stockholders of said corporation, and each stockholder shall be entitled to one vote for each and every share he may hold in the capital stock of said corporation at the time of said election, and the said directors shall hold their office for the space of one year, and until their successors are chosen, under such rules and regulations as the by-laws of said corporation may direct: Provided, however, That any vacancy occasioned by death, resignation, or otherwise may be filled by the remaining directors until the next annual election.

SEC. 6. And the said corporation by their agents, shall have full power to locate and construct a canal of such depth and width as they may deem proper, commencing at the stone quarry, four miles north of Knightstown, in Henry county, and running on the best ground for the interest of the corporation and convenience of the public to the

said town of Knightstown.

SEC. 7. And for the purpose of making such location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, wood, or other materials necessary for the construction of said canal; but no such materials shall be taken away from any land without the consent of the owner thereof, until the rate

of compensation shall be ascertained and paid.

SEC. 8. It shall be lawful for the corporation, either before or after the location of any section of the canal to obtain from the person or persons, through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction and location of the canal, as also the stone, timber, or other materials, that may be obtained on said route, and may contract for such materials that may be obtained on any other land near thereto; and it shall be lawful for said corporation to receive by donation, gifts, grants, or bequests, land, money, labor, property, stone, wood, or other materials for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants, or bequests, made and entered into in writing by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory; and the corporation may have their action at

law or in equity, in any court of competent jurisdiction, to compel the observance of the same: *Provided*, That all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be fully and plainly made in writing, and signed by the party making the same.

SEC. 9. That in all cases where any person through whose land the canal may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such difficulties may occur, that such facts do exist, and such justice shall thereupon summon the owner of such land, to appear before him on a particular day within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration, the advantages, as well as disadvantages, the canal may be to the same, report thereon, whether such person is entitled to damages or not, and if so, how much; and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown, and in case either party show good cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: Provided, That either party may, at any stage of the proceedings appeal to the circuit court of the proper county, as in other cases; and such court shall appoint viewers as above directed, who may report at that or the succeeding term, in the discretion of the court, and the judgment of the circuit court shall be final.

SEC. 10. The said corporation may charge and recover such tolls from all persons who run boats on said canal, or use the same in any manner whatever, as shall be for the interest of said company and have power to change, lower, or raise the same at pleasure: Provided, That the rates established from time to time shall be posted up in some conspicuous place or places on said canal.

SEC. 11. And the said corporation shall have the exclusive right to all the surplus water of said canal for hydraulic or other purposes, and they are hereby authorized to build and erect houses, grist and saw mills and such other machinery as the said company may see proper.

SEC. 12. The stock of said corporation shall be considered as personal property, and shall be assignable agreeably to such rules and regulations as the board of directors may make, use, and prescribe; but no transaction affecting the capital of said stock shall be valid until the same shall be entered as a matter of record on the book of said company, nor until all or any claims which said company, may have against the stockholders making a transfer shall be relinquished.

SEC. 13. The stockholders of said corporation shall duly be held responsible in their individual capacity for the amount of their respective subscriptions to said stock: Provided, That if said company should at any time fail, or become insolvent, and its property should be insufficient to liquidate all just and legal claims, debts, dues, and demands, and that the said directors shall have been found guilty of vio-

lating any part of the letter and spirit of this charter, or should any agent transcend the orders of said directors, in either case, such directors or agent, or their legal representatives shall become liable to the full amount of such failure or insolvency, otherwise their respective liabilities shall be on an equal footing with other stockholders.

SEC. 14. A majority of the directors shall form a quorum to transact the business of said company, and may enact such by-laws, rules, and regulations as they may deem expedient for the government of said corporation not inconsistent with this charter, the laws and constitution of this State, and of the United States; and they shall have full power and authority to put into operation, all the designs contem-

plated by this act.

SEC. 15. The directorss hall have power at any time to receive, and by due course of law to coerce the collection of any, and all subscriptions to the capital stock of said corporation, together with all costs of suit, any tax or damage which they may assess for delinquency or refusal on the part of the subscribers to pay their respective instalments, according to the terms of subscription, but such tax shall not exceed twelve and a half per centum on the amount of stock subscribed by such delinquent.

SEC. 16. The directors shall at all times keep or cause to be kept, at some suitable place, proper books of accounts, in which shall be registered all the transactions of said corporation, and said books during all business hours shall be subject to the inspection of the stockholders

of said company.

SEC. 17. The corporation shall not enter into any banking business for the purpose of issuing bills of credit or bills of any description to

pass as a circulating medium.

SEC. 18. The stockholders in said corporation shall be respectively liable for any debts due by or damages accruing against said corporation during the time they are such stockholders respectively, in proportion to the amount of their stock, severally held, to be recovered by a suit in equity or otherwise: Provided, That before such liability shall attach, as aforesaid, there shall be a return of nulla bona on an execution issued against said corporation, or an equivalent proceeding.

SEC. 19. This act shall be, and the same is hereby declared to be, a public act, for the uses and purposes therein specified, and shall take

effect and be in force from and after its passage.

#### CHAPTER XXXIV.

AN ACT to incorporate the Elizabeth Steam Mill, Boat, Ship Yard, and Manufacturing Company.

#### [APPROVED FEBRUARY 4, 1838.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That for the purpose of building and managing a steam mill for grinding grain, and driving such other machinery, as may be attached to said mill for manufacturing purposes, and for the establishment of a lumber yard, boat and ship building, in or near the town of Elizabeth in Harrison county, at such place or places as may be deemed most expedient, Elias H. Compton, Abner Keen, and John S. Sandbach, and their associates, be and they are hereby constituted and appointed a body politic and corporate, by the name and style of "The Elizabeth Steam Mill, Boat, Ship Yard, and Manufacturing Company;" and by and in such corporate name and style may sue and be sued, plead and be impleaded, answer and be answered unto in all courts and places whatsoever.

SEC. 2. The process against said corporation shall be by summons, which being executed on any director or president thereof, hereinafter mentioned, the further proceedings shall be the same as against

natural persons.

SEC. 3. The said corporation may have and use a common seal, and the same may alter or change at pleasure, and shall be capable of purchasing, holding, using and conveying any property or estate, either real or personal, that may, by them, be deemed necessary in pros-

ecuting the business aforesaid.

SEC. 4. The capital stock of said corporation shall be sixty thousand dollars, and shall be divided into shares of fifty dollars each, but it shall be lawful for said corporation to commence said business, when and so soon as three thousand dollars shall have been subscribed for, and with that capital to conduct and carry on the same, until they shall find it expedient to extend their capital, which they are authorized to do, from time to time, to the amount hereinbefore mentioned.

SEC. 5. The subscription to the said stock shall be opened under the direction of Elias H. Compton, Abner Keen, and John S. Sandbach, or any two of them, who are hereby appointed commissioners for that purpose and authorized to receive subscriptions to the said capital stock, on such days and at such place (after the passage of this act) as they shall appoint, and that the sum of five dollars on each share shall be paid to the commissioners, previous to the election for directors.

SEC. 6. The stock, property and concerns shall be managed and conducted by five directors, who shall be stockholders in said corporation, one of whom to be president, who may respectively hold their offices one year and until their successors shall be elected and qualified:

Provided, that the directors first elected shall hold their offices until the second Monday of July succeeding their election, and until others

are elected and qualified in their stead.

SEC. 7. So soon as the sum of three thousand dollars shall have been subscribed and the sum of five dollars shall have been paid on each share pursuant to the requisitions of this act, the commissioners appointed by the fifth section of this act shall give notice by written advertisements posted up in five public places in said county, or by publishing the same in some public newspaper printed in said county, for an election of directors on such day and at such place as said commissioner or a majority of them may designate, which notice shall be given at least ten days prior to such election.

SEC. 8. The directors of said corporation shall be chosen annually on the second Monday in July in each year, at such place as a majority of the directors for the time being may prescribe: of which elections notice shall be given at least ten days by written advertisements posted up in five public places or by publication in some public news-

paper printed in said county.

SEC. 9. The first election herein contemplated, shall be held under the direction and inspection of the commissioners before mentioned, and all subsequent elections under the inspection of the directors for the time being.

SEC. 10. All elections shall be by ballot, and a majority of all the votes present (allowing one vote for each share) shall be necessary to

a choice,

SEC. 11. The directors chosen under the provisions of this act, as soon as may be after their election, shall proceed to elect one of their number president, and if any vacancy shall at any time happen among the directors by death or otherwise, such vacancy shall be filled for the remainder of the term by the directors then in office.

SEC. 12. In case it shall happen at any time that an election of directors should not be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold an election for directors in such manner as shall be regulated by

the by-laws and ordinances of said corporation.

SEC. 13. A majority of the board of directors for the time being shall form a board or quorum for the transaction of all the business of said corporation, and shall have power to prescribe and make such bylaws and regulations, (not repugnant to the laws and constitution of the United States or of this state) as shall seem to them needful and proper touching the management and disposition of property, estate and effects of the said corporation, the duty and conduct of the officers and men employed therein, the election of directors and all such matters as appertain to the concerns of said institution, and shall have power to employ as many persons as shall be necessary for carrying on the business of said corporation.

SEC. 14. The stock of said company shall be assignable and transferable according to such rules and regulations as the board of directors may make and establish, and shall be considered personal property:

Provided, that no transfer of stock shall be valid or effectual until the same shall have been registered in a book to be kept for that purpose by the president, which book shall at all reasonable hours of transacting business, be open to the examination of any stockholder or any person having any demand against said corporation, and in case any officer of the company having charge of such book shall refuse to let the same be examined as aforesaid, he shall for every such offence, forfeit the sum of one hundred dollars to the Harrison county seminary to be recovered by action of debt in any court of competent jurisdiction together with costs of suit.

SEC. 15. The directors shall at all times keep or cause to be kept at some proper place, proper books of accounts, in which shall be entered all the transactions of said corporation, which books shall at all times be subject to the inspection of the stockholders of said company.

SEC. 16. That said stockholders shall each be liable to all creditors in his individual capacity, on a failure of a sufficiency of property

belonging to said company.

SEC. 17. The directors shall have full power to receive and by due course of law to collect all subscriptions in writing for the purpose of raising the funds necessary to carry into effect the object of said corporation, and be entitled to recover ten per centum damages on any instalment of stock which shall not be paid pursuant to the requisitions of the board after ten days notice to the subscriber that the same is due.

SEC. 18. The corporation hereby created shall not engage in any

banking business whatever.

SEC. 19. This charter shall be and is hereby limited to the term of

fifty years from and after the first day of March, 1838.

SEC. 20. This act shall be, and the same is hereby declared to be a public act, and shall take effect from and after its passage.

#### CHAPTER XXXV.

AN ACT to incorporate the Indiana Manufacturing Company.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That James McConnell, Calvin C. Waller, Isaac Spencer, William McConnell and Albert Powell, with such other persons as may associate together for the purpose of prosecuting the agricultural, manufacturing, exporting and importing business within this state, to be established and located in Rochester, Noble county, Indiana, be, and the same are hereby ordained, constituted and declared to be a body politic and corporate to all intents and purposes, to be known and designated by the name and style of the "Indiana Manufacturing Company," by which name they and their successors and assigns shall have continual succession, and be entitled to all the privileges and immunities of the laws of this state, as a body politic and corporate, such as contracting and being contracted with, of suing and if necessary, being sued, of pleading and being impleaded, of defending and being defended, in any court of competent jurisdiction; and that they and their successors may have a common seal, and may make and alter the same at pleasure, and that they and their successors as a body corporate, by the aforesaid name, shall be competent and capable of purchasing, holding, using and conveying any property or estate whatsoever, real or personal and of constructing and erecting any buildings and machinery whatever that may by them be deemed necessary to the prosecution of their designs as afcresaid, and the said corporation as herein described, shall exist for the term of twenty-five years from and after the passage of

SEC. 2. That the capital stock of said corporation shall consist of five hundred thousand dollars, to be divided into ten thousand shares of fifty dollars each, which stock shall be subscribed as hereinafter

provided.

SEC. 3. That the said James McConnell, John Spencer, Calvin C. Waller, David B. Harriman, William McConnell, Ebenezer M. Chamberlain and Albert Powell, or any three of them are hereby constituted commissioners, and as such are hereby authorized to open books and receive subscriptions to said capital stock, at such places and at such times as they may deem most expedient after the passage of this act, and so much of said subscription shall be paid in by the said subscribers to said stock, at the time of subscribing therefor as the said commissioners may direct; that nevertheless it shall be lawful for said corporation as soon as twenty thousand dollars shall have been subscribed, to commence their business, and they shall then be entitled to all the privileges of the said corporation, and shall at all times have the privilege of extending the amount of capital stock by subscription till it amounts to five hundred thousand dollars, as the interest and business of said corporation may require.

SEC. 4. That as soon as twenty thousand dollars shall be subscribed to the capitall stock of said company, the aforesaid commissioners shall proceed to order an election of five directors, who shall have the whole management of the stock, property and concerns of said corporation, and said commissioners shall give at least fifteen days notice of said election in some public newspaper printed in or nearest to said county of Noble; the said directors shall be chosen from among the stockholders, and shall hold their odice for one year from the time of their election, and until their successors shall be elected and no longer; they shall be elected by a majority of all the votes given, either by the stockholders present or by written process from those not present, and each stockholder shall be entitled to one vote for each and every share he may hold, in the capital stock of said corporation at the time of said election, which election shall be held at Rochester aforesaid and annually from the date of the first election, and in case of vacancy of said board of directors by death, resignation or otherwise, the remainder of said board shall have power to fill said vacancy.

SEC. 5. That a majority of said directors shall form a quorum to transact the business of said company, and may enact such by-laws, rules and regulations as they may deem expedient for the government of said company: Provided, they be compatible with the laws and constitution of this state and of the United States; and the said directors shall have full power and authority to put into operation all the designs contemplated in this charter.

SEC. 6. That the said directors shall have full power at any time to receive and by due course of law coerce the collection of any and all subscriptions to the said capital stock of said corporation, together with all costs of suit and any tax of damages which they may assess for delinquencies or a refusal to pay their respective instalments when called on by said directors: *Provided*, such tax shall not exceed ten per

cent. on the amount of stock subscribed by said delinquent.

SEC. 7. That each and every director who shall have been found guilty of violating any part of the letter or spirit of this charter or should any agent be found thus transcending the orders of said directors, in either case such directors or agents shall be held responsible to said corporation or any other person or persons in their individual capacity for the full amount of all damages which may be sustained in consequence of the misconduct of any such director or agent, violating or transcending as aforesaid, and the said directors may require such security of their agents for the faithful performance of all duties required of such agent or agents as they may deem proper, and such directors may appoint such officers, agents and other persons to transact any business or discharge any duties under them as they may deem proper and expedient for the interest of said corporation.

Sec. 8. That the stock of said company shall be considered personal property to all intents and purposes, and shall be assignable and transferable agreeable to such rules and regulations as the said board of directors may at any time make and prescribe: Provided, that no transaction in the transfer of any stock of said company shall be valid until the same shall be entered as a record on the books of said company nor till all or any claims which said company may have against said stockholder, assigning or transferring any stock shall be liquidated.

SEC. 9. That all officers, agents and other persons who may transact any business for said company by order of said directors, shall report their proceedings to the said directors as often as the said board of directors shall require, and at every annual meeting of said stockholders, the said board of directors shall cause to be made out a full statement of the actual standing of said company, which statement and expose of the standing of said company shall be laid before said stockholders at such annual meeting, and all proceedings and business of said company shall be recorded in books to be kept for that purpose, which books shall at all times be open to the inspection of all persons concerned in any respect with said company, either as stockhold-

ers or having claims against said corporation, and that any officer having been appointed to have the charge of said books, who shall refuse to exhibit said books on any of the usual hours of doing business, shall be fined in any sum at the discretion of said board of directors, not exceeding one hundred dollars.

SEC. 10. That all instalments required to be paid in on the subscription of the capital stock of this company, after the election of the directors aforesaid shall be assessed by said directors, of which assessment the said directors shall give at least three months notice in some public newspaper printed in or near said county of Noble before said instalment so assessed shall be considered due, after which the said di-

rectors may proceed to the collection of the same.

SEC. 11. That after the said company shall have been organized and having been organized shall have prosecuted business for the term of one year, once every six months thereafter, the said board of directors shall cause a dividend to be declared on the amount paid in toward the capital stock of said company, payable in thirty days after the same shall have been declared, to any person entitled to receive the same.

SEC. 12. That this act shall be, and the same is hereby declared to be a public act, for the purposes herein specified, and shall take effect and be in force from and after its passage, and the legislature reserves

the power of altering and amending this charter at pleasure.

SEC. 13. That the stockholders in said corporation shall be individually liable in their own private property for any and all debts contracted during the term that any one of them was a stockholder: Provided however, that before any individual liabilities shall attach, that the property belonging to said corporation shall first be exhausted, or execution legally returned, no property found upon which to levy.

#### CHAPTER XXXVI.

AN ACT to incorporate the Wabash Hotel Company.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Hugh Hanna, Wm. Steel, Isaac Thomas, and Jonathan R. Cox of Wabash county, Indiana, and their associates and successors associated by subscribtion, as hereinafter directed, be and they are hereby created a body corporate and politic, by the name and style of "The Wabash Hotel Company," and by that name shall have perpetual succession, and shall be able and capable of suing and being sued, pleading and being impleaded, defending and being defended, answering

and being answered unto in any and all courts of competent jurisdiction, either at law or in equity. They shall also in their said corporate name, be able and capable in law, to contract and be contracted with, to purchase, acquire, hold, possess, have, use, occupy and enjoy, any and all such real and personal property, as may be necessary or convenient for the accomplishment of the objects of their association, and the same or any part thereof to loan, lease, rent, mortgage or sell and convey: *Provided*, That the real and personal estate of said company shall at no time exceed in value the sum of one hundred thousand dollars.

SEC. 2. That the capital stock of said company shall not exceed fifty thousand dollars, and shall be divided into shares of fifty dollars each, which shares may be subscribed and paid for as hereinafter directed.

SEC. 3. That Hugh Hanna, William Steel, and Jonathan R. Cox, be, and they are hereby appointed commissioners to receive the subscription for stock for the erecting, constructing, and building of said Wabash hotel; and said commissioners, or any two of them, first having given due notice by publication in the Peru Forester, a weekly newspaper, printed in Miami county, Indiana, at least two days previous thereto of time and place of such meeting, shall meet at the store house of Hugh Hanna, and then and there open the books to receive from any person or persons, subscriptions for stock in said company, and shall keep the same open until the amount of stock shall be subscribed, or a sufficiency for the erection of a convenient and commodious hotel.

SEC. 4. That said commissioners after closing said books, shall appoint a time and place for a meeting of the stockholders, for the purpose of electing a president and four directors of said company, of which they shall give the said stockholders notice, similar to that required by the previous section, and the said stockholders who may be present at such meeting, shall then elect a president and four directors of said company, who shall be chosen annually thereafter, at such time and place as shall be designated by the by-laws of said company, who shall be elected a president and four directors of said company, who shall hold their office for one year, and until their successors are chosen.

SEC. 5. That in all elections the stockholders may vote in person or by proxy. Each stockholder shall have one vote for each share he may have in the stock of said company, and the person or persons having a plurality of the votes given, shall be held and taken as elected: *Provided*, That none but stockholders shall be eligible to any office in said company.

SEC. 6. That any vacancy that may occur in the office of president or director may be filled by the remaining president and directors, who shall hold his office until the next regular election; any three of the directors, or the president and two directors may constitute a board for the transaction of business.

SEC. 7. That the supervision and control of the affairs and business of the corporation shall be solely under the direction of the president and directors; and they are hereby authorized to do and transact the same, and perform for, and on behalf of, said company all and whatsoever the said company are by this [act] authorized to do, transact, and perform, and to make, constitute, and employ, and at pleasure to remove all unnecessary attorneys, agents, and servants, for transacting the business of said corporation, and to allow them reasonable compensation for their services. The said president and directors shall appoint a secretary and a treasurer, from said stockholders and they shall cause to be kept complete books and entries of all their doings which shall be all open to the inspection of stockholders, and shall have the power of adopting a seal for said company and pass such by-laws as may be necessary for their proper regulation not inconsistent with the laws and constitution of this State or of the United States.

SEC. 8. That the stock of said company shall be transferable and and assignable on the books of said company, in such manner as shall be directed by the president and directors; and such stock shall, in all

respects, be held and considered as personal estate.

Sec. 9. The treasurer shall give bond and security to the satisfaction of the president and directors for the faithful discharge of his duties, and fully accounting for all monies which may come to his hands as such treasurer; he shall receive all monies belonging to said corporation, and shall pay the same out on the order of the president and directors. He shall keep full and complete books and accounts of all his receipts and payments as often as required by the said president and directors; shall settle and liquidate his accounts with them; the books and accounts of the treasurer shall at all times be open to the inspection of the stockholders.

SEC. 10. The president and directors shall from time to time and at such times as they may think proper, make and declare such dividends of the profits of the company as they may deem for the interest of the company. They may also at any time, by giving notice, call a meeting of the stockholders.

SEC. II. That the stockholders of said company shall each be personally liable to the amount of the capital stock by him subscribed, and each stockholder shall be required to give note with personal security or mortgage for the amount of stock by him subscribed, to the satisfaction of the commissioners appointed to open the books for the subscription of stock, and in all cases where execution issues against said company, the same shall be first levied of the goods and chattels, lands and tenements belonging to said corporation; and on a retun of such execution of no property found, and not till then, another execution may issue and be levied of the goods and chattels, lands and tenements of each or any stockholder or stockholders of said company to the amount of stock, he, she, or they hold therein.

SEC. 12. The president and directors shall receive such compensation for their services as may be from time to time determined upon by the stockholders at their general meeting.

SEC. 13. Service of process against the corporation upon the president and secretary thereof, shall be considered as sufficient in law.

SEC. 14. This act for judicial purposes, shall be considered a pub. lic act and need not be specially pleaded, and this charter shall be subject to be altered or amended at any time by legislative enactment after fifteen years.

This act to take effect and be in force from and after its passage.

#### CHAPTER XXXVII

AN ACT to incorporate the Warsaw Manufacturing Company,

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Isaac Higbee, Edward Archibald, Wm. B. Blair, Ephraim P. Davis, James Comstock, Jacob Losier and Richard H. Lansdale of the county of Kosciusko and state of Indiana, and such other persons as may from time to time associate with them for the purpose of manufacturing at or near the town of Warsaw, in Kosciusko county, Indiana, iron, castings, wool, cotton, flour, meal, and lumber, and such other articles of manufactory as said company may from time to time deem their interest to engage in, be, and they are hereby declared, ordained, and constituted a body corporate and politic by the name and style of the Warsaw Manufacturing Company, and by that name shall be capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in all courts of law and equity whatsoever; to make and use a common seal, and the same to alter, change, or renew at pleasure, and be capable of purchasing, holding, using and conveying any estate, real, personal or mixed necessary for the use and security of said company, not exceeding one hundred and fifty thousand dollars.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars in shares of twenty-five dollars each, but it shall be lawful for said company to commence surveying, locating, and operating so soon as three thousand dollars shall have been subscribed to the capital stock thereof and with that capital to conduct and carry on the same until they shall find it expedient to extend their subscriptions of stock which they are authorized to do, from time to time, to the amount

herein specified.

SEC. 3. Books for subscription to the capital stock of said company shall be opened under the direction of Isaac Higbee, Edward Archibald, William B. Blair, Ephraim P. Davis, James Comestock, Jacob Losier and Richard H. Lansdale at Warsaw, Leesburgh, and such other places as they may appoint and continue open until the necessary amount of stock is subscribed, and whenever it may become necessary for said company to increase the capital stock subscribed the subscription books shall be opened at the above named places and such other places as the directors of said company shall appoint and for the length of time by them directed; and the said company shall be limited to fifty years.

SEC. 4. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock by them holden, which certificates shall be signed by the president and countersigned by the secretary; and the stock shall be transferable on the books of the company only personally or by an agent or attorney, or by an administrator, executor, trustee, or guardian, but such stock shall at all times be holden by the corporation for any dues from the original holder to the company.

SEC. 5. The stock, property, and business of said corporation shall be managed and conducted by five directors, who shall be stockholders, and who shall hold their office for one year and until their suc-

cessors are chosen and qualified.

SEC. 6. That so soon as one hundred and twenty shares of the capital stock shall have been subscribed, the person or persons so holding the books of subscription shall give at least fifteen days' notice by publication in some newspaper of general circulation in the county, or by five written advertisements set up in five of the most public places in the county, of the time and place at which the stockholders shall meet and hold an election for said directors; and the votes may be given either in person or by proxy.

SEC. 7. All elections shall be by ballot and each share shall be enti-

tled to one vote.

SEC. 8. The directors aforesaid shall elect one of their number to be president; and in all cases of a vacancy in the office of president the remaining directors shall appoint some one of the stockholders to fill such vacancy until the next annual election; and the first Monday in May shall be the day of the annual election in each and every vear.

SEC. 9. That in case it shall happen at any time that an election shall not be made on said first Monday of May the said board of directors or a majority of them may appoint some other day, of which appointment fifteen days' notice shall be given as in other cases.

SEC. 10. A majority of said directors shall reside in the county of Kosciusko and shall form a quorum to transact business, and shall have power to make such by laws, rules and regulations not repugnant to the constitution and laws of the United States, or of this state, as they may deem just and proper, touching the management and disposition of the stock, property, estate, and effects of the corporation, the duty and conduct of its officers and persons by them employed: and shall annually on the first Monday of May appoint a secretary and treasurer to serve for one year: and shall require and receive from the treasurer such security as they shall deem just and reasonable.

SEC. 11. The stock of said company shall be transferable according to such rules and regulations as the board of directors may make and establish; but no transfer shall be valid until it be approved by the board of directors and registered by the secretary in a book kept by him for that purpose; which book at all times during reasonable [business] hours shall be kept open for the inspection of the board or any of the stockholders.

SEC. 12. The corporation by its board of directors shall have power to call for such proportion of the stock subscribed and not exceeding fifteen per cent. thereon every sixty days as they may think proper to be paid at such time and place as they may appoint and designate, by giving at least twenty days' notice prior to the day of payment in some newspaper of general circulation in said county, or by five written advertisements set up in five of the most public places in said county: and if any stockholder shall neglect or refuse to pay such instalments so called for within ten days of the time appointed, the corporation may bring suit before any court having competent jurisdiction and recover the amount so called fo twith two per cent. per month for such detention from the day set forth in the notice as interest thereon.

SEC. 13. The corporation shall have poper to employ an engineer to locate and mark any route which said directors may think proper to have examined for the connection of Eagle and Pike lakes with Centre lake, and also to use the water of Tippecance river, either by collateral canal, race, or side cut extending at no point more than one mile and a half from the said town of Warsaw, and not raising the water at the dam so as to overflow the low grounds or marshes in a common stage of water; and the said corporation shall have the sole and exclusive right to and benefit of all the water passing along said canal or canals, race or races, side cut or cuts, authorized to be constructed by this act, the said company shall have full power and lawful authority to use any portion, or all of the water flowing along said canal, races, or cuts for dydraulic purposes and otherwise; and the said company, or corporation shall have power to deepen or widen or close any of the old water outlets of the said Eagle and Pike lakes as may become necessary for the accomplishment of the object of the said corporation in conducting or guiding the water into or along said canals, or races, or for the safety, defence or protection of the embankments or sluces not raising the water in the lakes or river above a common medium stage of flush water; and shall have power to lease out for any definite period of time and on such terms and conditions as the said corporation and lessee may agree upon or contract for.

SEC. 14. It shall be the duty of said corporation whenever any state or county road now established or may be hereafter established shall cross the said canals, races, or side cuts to make and keep in repair good and sufficient causeways or bridges so that the free use of said state or county road may not be obstructed; and in all cases where any person or persons shall own land which shall have been divided by said canal, race, or side cut, and there shall be no

public road leading across said canal, race or cut, the owner of said land shall have the right to cross said canals, races, or cuts; and said corporation shall make such bridges as shall be necessary and convenient for the passing of said owner.

SEC. 15. The corporation by their agents shall have full power from time to time for the purpose of making such examinations and locations to enter upon any land within one mile and a half of the said town of Warsaw and make surveys and estimates without the consent of the owner or until the rate and amount of the compensation shall

be ascertained or agreed upon as hereinafter provided.

SEC. 16. It shall be lawful for said corporation either before or after the aforementioned locations are made to obtain from the person or persons through whose land the same may run or pass, a relinquishment of so much of said land as may be necessary for the location and construction of said works, which in no case shall exceed sixty feet in width, except by mutual consent of parties, and it shall be lawful for said corporation to receive by donations, gifts, grants, or bequests, lands, money, labor, property, or any material for the benefit of said corporation and all such contracts, relinquishments, donations, gifts, grants, and bequests, made and entered into in writing by any person capable in law to contract, and made in consideration of such location for the benefit of said corporation, shall be binding and obligatory, and the said corporation may have their action in law for the obstruction of the same.

Sec. 17. That in all cases where any person or persons through whose land the said canal, races, or side cuts may pass shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in said county, that such facts do exist; and such justice shall thereupon summons the owner of such land to appear before him on a particular day, within ten days thereafter, and said justice shall appoint twelve judicious disinterested householders of the county, who shall after taking an oath or affirmation faithfully and impartially to assess the damages if any, view the land and after having taken into consideration the advantages as well as the disadvantages the improvements of said company may be to said land, shall report thereon to the said justice, whether said person is entitled to damages or not, and if so entitled, how much, and shall file said report with said justice, whereupon said justice shall enter judgment therein, unless for good cause shown; and in case either party should show good and sufficient cause why judgment should not be entered, the justice may grant a review of the premises either with or without costs, as he may deem just and equitable: Provided nevertheless, that either party at any stage of the proceedings may appeal to the circuit court of said county as in other cases, and such court shall appoint viewers as in other cases before mentioned, who may report their proceedings at that or the succeeding term at the discretion of the court. And the redress in this section provided shall be extended to all persons who may be aggrieved, by said company, either by diverting the water

from the land, or by overflowing the lands of such persons, or otherwise.

SEC. 18. That if any person or persons shall wilfully and knowingly injure or obstruct said canal, race, or side-cut or any part thereof, or shall break or deface any work or edifice belonging thereto, such person or persons so offending shall pay to the company or corporation three times the amount of such damages actually done, with costs

of suit, before any court having competent jurisdiction.

SEC. 19. The said corporation shall in no case or under any pretence whatsoever, enter into banking for the purpose of issuing bills of credit or bills of any description to pass as a circulating medium: nor shall said company deal in bills of exchange; neither shall said corporation at any time contract a greater amount of debt than the amount of stock actually subscribed or paid in, and the stockholders shall be individually bound to the full amount of stock by them subscribed; that all process against said corporation shall be by summons; and if served on the president, or any one of the directors shall be considered as due service.

SEC. 20. The corporation shall commence the construction of said work within two years and finish the same within five years from the

passage of this act.

SEC. 21. That if said company shall not improve the water power as contemplated in this act, within ten years from the passage of this act, then the said corporate powers herein granted shall cease and be void; but nothing in this act shall be so construed as to affect any obligation, or contract, that said company may have entered into by virtue of said corporation.

SEC. 22. That nothing in this act shall be so construed as to authorize said company by the erection of any dam or dams to overflow or otherwise injure the lands or premises of any other person or per-

sons.

SEC. 23. The legislature reserves the right to alter, amend, or repeal this act in whole or in part at any time hereafter.

This act to take effect and be in force from and after its passage.

#### CHAPTER XXXVIII.

AN ACT to incorporate the Exchange Hotel Company.

[APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the persons who may hereafter become stockholders in the corporation hereby created, be, and they are hereby declared a body corporation.

porate and politic, by the name of "The Exchange Hotel Company," for the purpose of erecting a hotel in the town Indianapolis; and by their corporate name shall have perpetual succession, and shall be able and capable to sue and be sued, plead and be impleaded, defend and be defended and answer and be answered in all courts of competent jurisdiction, either of law or chancery; they shall, in like manner be able and capable to contract and be contracted with; to purchase, acquire, hold, possess, have, use, occupy and enjoy any and all such real and personal estate and property, as may be necessary or convenient for the accomplishment of the objects and purposes of their association, and the same or any part thereof, to lease, rent, mortgage or sell and convey, whenever and as often as may be necessary or convenient: Provided, that said real and personal property, of said corporation, shall at no time exceed in value, the sum of one hundred thousand dollars.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, and be divided into shares of one hundred dollars

each, to be subscribed and paid for as hereinafter directed.

SEC. 3. John Elder, Nathan B. Palmer, Humphrey Griffith, Douglass Maguire and William Sheets are hereby appointed commissioners to open books and receive subscriptions for said stock, who, or any three of them, shall on the first Monday of March next or as soon thereafter as they may deem best, open the said books in the town of Indianapolis for subscription of the stock as aforesaid; the said books shall be kept open until two hundred shares of said stock shall have been subscribed; and so soon as that amount has been subscribed the stockholders shall meet at such place in said town of Indianapolis, and at such time as the said commissioners may designate, and under the supervision of said commissioners proceed to elect by ballot, five directors, to serve until their successors are duly elected under the provisions of this act.

SEC. 4. There shall be held annually, on the first Monday in May, or on such other day as the board of directors may appoint, an election for five directors, who shall serve as such until their successors are duly elected: *Provided*, that no person shall be elected a director unless

he be a stockholder in said company.

SEC. 5. At all elections for directors, each share of stock shall entitle the holder to one vote, which may be given in person or by proxy, and at all such elections the five persons receiving the highest number of votes shall be declared elected: the said election shall be conducted by the existing board of directors.

Sec. 6. All vacancies in said board of directory shall be filled by the remaining directors, and any director ceasing to be a stockholder.

shall thereby vacate his office.

SEC. 7. The said directors, as soon after their election as convenient, shall hold a meeting and elect one of their number president of their board, and shall then proceed to discharge the duties enjoined upon them by this act.

SEC. 8. The affairs and business of the company shall be solely under the direction, superintendence and control of the president and directors, elected and appointed as aforesaid, a majority of whom shall constitute a quorum for the transaction of business; and they are hereby fully authorized to do and transact the same, and the said president and directors are authorized and empowered to do, transact and perform for and on behalf of said company, all and whatsoever the said company are by this act authorized to do, transact and perform, and to make, appoint and employ, and at pleasure to remove and discharge any and all necessary attorneys, officers, agents, mechanics, workmen, laborers and servants, for transacting and performing the affairs and business of said company, and to allow them a reasonable compensation for their services. Said president and directors shall appoint a secretary and treasurer of said company, who shall be removable at their pleasure. They shall also keep or cause to be kept complete books and entries of all their doings and transactions, which shall at all times be open to the inspection of any of the stockholders. They shall also have power to ordain, make and establish such rules, ordinances and by-laws as may be necessary for their own regulation, for determining the time and place of the company elections, and for directing the conduct of the agents, officers, servants and such other persons as may be under the employment of said company, not inconsistent with the laws and constitution of this state and of the United States. The said president and directors shall have power to make, use and adopt a common seal, and the same to break and alter at pleasure.

SEC. 9. The said president and directors shall also have power to demand of the subscribers to stock, payment in whole or in part in such manner and at such times as they may deem expedient. But all calls shall be made equally on each share, notice of each call shall be published at least twenty days before the day it is required to be paid; and if any stockholder shall fail to make payment according to the requirement of said president and directors, they may in their discretion declare the stock of said stockholder on which such payment shall not be made, and all previous payments thereon forfeited, whereupon the same shall be taken and held to be absolutely forfeited to said com-

pany.

SEC. 10. If at any time the president and directors shall discover that an increase of stock is desirable, they may, after giving twenty days notice of the time and place, open books for the subscription of stock to be regulated by such rules as they in their discretion may adopt, but they shall not extend such increase so as to exceed the capital herein allowed.

SEC. 11. The stock of said company shall be transferable and assignable on the books of said company in such manner as shall be prescribed by the president and directors, and such stock shall in all respects be held and considered personal estate, and as such subject to execution against the proprietor.

SEC. 12. In all such contracts, agreements and undertakings, as between natural persons, do not require a seal, the said corporation shall

be bound by the signature of the president, and the attestation of the secretary without the seal of said corporation. And all such instruments, covenants, obligation, deeds, and conveyances in which, by law a seal is required shall be signed by the president and directors, or a majority of them, and shall be attested by the secretary, and sealed with the seal of the corporation.

SEC. 13. The treasurer shall give bond and security to the satisfaction of the president and directors, for the faithful discharge of his duties and fully accounting for all moneys which may come into his hands, as such treasurer. He shall receive all moneys belonging to said corporation, and shall pay the same out on the order of the president and directors. He shall keep full and complete books, and accounts of all his receipts and payments; and as often required by the said president and directors, shall settle and liquidate his accounts with them. The books and accounts of the treasurer shall at all times be open to the inspection of the president and directors and of any of the stockholders.

SEC. 14. The board of directors shall from time to time, as they may think proper, declare such dividends of the profits of the company as they may deem for the interest of the company.

SEC. 15. The president and directors shall receive such compensation for their services, as may be, from time to time, determined upon by the stockholders, at their general meetings.

SEC. 16. Service of process against the corporation shall be made

on the president and secretary thereof.

SEC. 17. This act, for all judicial purposes, is declared a public act, and to be in force from and after its passage, and shall expire at the end of fifty years.

#### CHAPTER XXXIX.

AN ACT to incorporate the Armiesburgh Bridge Company.

#### APPROVED, FEBRUARY, 17, 1838.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Isaac J. Silliman, Elisha Givens, Aquilla Justice, John White, and John Wolf, be, and they are hereby appointed trustees of the Armiesburgh Bridge Company, in which capacity they and their successors in office may sue and be sued, contract and be contracted with, and have power to do and perform such things as are necessary to carry on the business of a corporation.

SEC. 2. It shall be the duty of said trustees to open books for the subscription of capital stock to said company on or before the fourth day

of July next, in such places as they may think proper and continue to keep them open until such amount of stock is taken as will in the opinion of the trustees be sufficient to complete a good and substantial bridge across Raccoon creek at Armiesburgh in Parke county, provided that it shall not obstruct the navigation of the river over which it is authorized to be constructed.

SEC. 3. As soon as the amount which said trustees shall adjudge to be sufficient for the completion of said bridge is subscribed, the trustees shall give notice to the stockholders to meet and elect five trustees who shall give bond to the acceptance of the clerk of Parke county, and shall choose a president and secretary from their own number, and said board of trustees so elected shall hold their office for the term of two years, and until their successors are elected and qualified.

Sec. 4. It shall be the duty of said board to give each shareholder a separate certificate of stock for every ten dollars, which he may subscribe to said corporation, signed by the president and countersigned by the secretary, which certificates shall be transferable by assignment.

SEC. 5. Said company shall have power to collect the same tolls which the board doing county business in said county, may fix for ferriage rates for crossing the Wabash.

Sec. 6. The board doing county business shall have full power to subscribe to said stock such amount as said board may deem expedi-

SEC. 7. Nothing in this act shall be so construed as to give said company an exclusive privilege to erect said bridge unless the same shall be commenced within one year from the date hereof.

This act shall take effect and be in force from and after its passage.

#### CHAPTER XL.

AN ACT to incorporate the Calumet Bridge Company.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Benjamin James, and such others, citizens of Porter county as shall bereafter become associated with him, are hereby created a body politic and corporate, under the name and style of the Calumet Bridge Company; said corporation shall have power to erect and build and keep in repair or cause to be erected and built and kept in repair a toll bridge across the Calumet river at or near the mouth of Salt river, on the road leading from Michigan City, through City West, Bail-

leytown and Liverpool to Chicago; said bridge shall be a substantial frame bridge extending from bank to bank over the marshes on each side of said river shall have, two wagon ways or tracks, each at least nine feet wide, with a firm and substantial handrailing on each side, and shall be of sufficient height to permit loaded boats to pass under it without obstruction.

SEC. 2. For the purpose of facilitating the construction of said bridge, the said corporation shall have power to take so much timber, trees, dirt, gravel, stones and other materials from the lands, in the vicinity of the bridge as may be necessary for its erection and repair, and also so much land as shall be necessary for said bridge, and for the erection of a sufficient and convenient toll-house, for all which the said corporation shall make such compensation to the owner or owners as shall be determined upon by two commissioners, who shall be mutually chosen by said corporation and such owner or owners; and if either or both parties fail to select a commissioner, then the compensation to be allowed shall be determined by Leverett Bradley and George Chinn, from whose determination there may be an appeal to the Porter county circuit court.

SEC. 3. When the bridge shall be completed to the satisfaction of said Leverett Bradley, and George Chinn, it shall be lawful for said corporation to erect a toll-gate on or near such bridge and demand and receive the following tolls for crossing thereon; for every vehicle drawn by one horse, twelve and a half cents; for one drawn by two horses, eighteen and three-fourth cents; and for every additional horse three cents; for every head of sheep or hogs, one cent; for every head of any other kind of stock, two cents; for footman, three cents; for a horseman, six cents; the same tolls may be demanded for every vehicle, when drawn by asses, mules, or oxen, as if drawn by horses. A list of the foregoing rates of toll shall be kept posted up in some convenient place on said bridge.

SEC. 4. If any peason shall wilfully injure or impair said bridge, the said corporation, in an action of trespass, may recover of such person treble damages for the injury sustained; and if any person shall forcibly pass said bridge without paying toll, the said corporation may in the same manner recover against such person ten times the amount of legal toll.

SEC. 5. The said corporation is herely authorized to repair and put in order the temporary bridge already built across said river, at the mouth of Salt river, and when put in a condition for safe crossing may demand and receive the same tolls for croosing thereon as is specified in the third section of this act: Provided, that tolls shall not be received for crossing on said bridge for a longer period than eighteen months. And provided further, that if all or any part of a certain sum of three hundred dollars more or less, appropriated by the board doing county business in Porter county at a late session, for the improvement of this said temporary bridge, shall have been expended thereon previously to the taking effect of this act, then and in that case, the said Benjamin James and those associated with him, shall refund to

the commissioner of the three per cent. fund in said county, the full amount so expended before any tolls shall be chargable or payable for crossing the same, and before this act shall take effect, or be of any force whatever.

Sec. 6. The said corporation shall have two years from and after the time this act shall be in force, within which to complete a new

bridge at the point specified in the first section of this act.

SEC. 7. At any time after five years from the completion of said bridge, it shall be the duty of said corporation to make said bridge free upon the cost of the same and of the toll-house, if any, with ten per cent. per annum interest thereon, being tendered to said corporation.

SEC. 8. This act shall take effect and be in force from and after its approval by a majority of the taxable inhabitants of Porter county. It shall be taken and deemed to be so approved, when it shall appear by a comparison of the tax list of said county, for the year 1837, that a majority of the persons returned on said list, have signed an approval of this charter, which approval shall be filed in the office of the board doing county business in said county.

SEC. 9. This act shall be deemed and taken as a public act in all

courts, and shall be in force thirty years.

# CHAPTER XLI.

AN ACT to incorporate the St. Joseph Bridge Company.

#### [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That all persons who shall become stockholders, pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name and style of "The St. Joseph Bridge Company," and by that name shall be capable of holding real estate sufficient for carrying into effect the purposes of this act, and of suing and being sued, defend and be defended, in law and equity, in all courts whatsoever; and shall have authority to ordain and establish such by-laws, rules, and regulations, not repugnant to the constitution or laws of this State, or the United States, as shall from time to time be found necessary for the managment and good government of said corporation.

Sec. 2. That Henry Rudesell, J. H. Klinger, R. P. Bromwell, Henry Tilbury, and Nathan Farran, shall be commissioners to open books for securing subscriptions to the capital stock of said corporation, and the said books shall be opened on or before the first day of July, 1838, and each of said commissioners may receive subscrip-

tions.

SEC. 3. The capital stock of said company shall be two thousand dollars, divided into shares of ten dollars each.

SEC. 4. Whenever one hundred shares of the stock of said corporation shall be subscribed, the commissioners shall cause an advertisement to be inserted in the newspaper called the Fort Wayne Sentinel, giving at least three weeks notice of the time and place of the meeting of the subscribers to choose directors, and at the same time and place appointed, the stockholders shall choose seven directors, being stockholders of the said corporation, a quorum of whom shall be competent to transact business. A new election of directors shall be held annually at such time and place as the stockholders at their first meeting shall appoint. The directors chosen at any election, shall, as soon thereafter as may be convenient, choose out of their number, one person to be president, who shall appoint a secretary and treasurer.

SEC. 5. The directors may demand from the stockholders, respectively, all such sums of money, by them subscribed, at such times and in such proportions, as they may think proper, and in the penalty of

forfeiting their respective shares, and all payments thereon.

Sec. 6. The said corporation may erect a toll bridge at the crossing of the St. Joseph's river, at or near Henry John's mill, in Allen

county.

SEC. 7. Whenever said bridge shall be completed, the said corporation may erect a gate at either end of the said bridge, and demand and receive a toll not exceeding the following rates, to wit: every four wheeled pleasure carriage drawn by two horses, twenty-five cents, if drawn by four horses, thirty-one cents; every two wheeled pleasure carriage, ten cents; every wagon or cart, drawn by two horses or oxen, nineteen cents, if drawn by four horses or oxen, twenty-five cents; each sled or sleigh and two horses or oxen, ten cents; every one horse cart, wagon, sleigh, or cutter, eight cents; every man and horse, six cents; every foot passenger, three cents; every horse, jack, or mule, or head of neat cattle, two cents; every sheep or hog, one cent. But all persons going to and returning from places of religious worship, going to and returning from funerals, going to and returning from annual elections, going to and returning from training, when doing duty in militia shall be exempt from paying toll.

SEC. 8. If any person or persons shall wilfully impair or injure said bridge, he, she, or they, so offending, shall forfeit and pay to the corporation, the sum of ten dollars, to be recovered with the costs of suit, and shall also be liable to pay to the corporation treble the amount of damages sustained, with costs of suit, to be recovered in any

action of trespass, in any court of competent jurisdiction.

SEC. 9. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay to the said corporation, eight times the amount of the legal toll, to be recovered by an action of debt before a justice of the peace.

SEC. 10. If any toll gatherer shall unreasonably delay, or hinder any passenger at the gate, or shall receive or demand more than the legal toll, he shall for every such offence forfeit the sum of five dollars,

to be recovered with costs, before a justice of the peace, to the use of the person so unreasonably hindered, delayed, or defrauded.

SEC. 11. If the said bridge shall not be constructed in four years from the passage of this act, then and in that case this act shall be null and void, otherwise remain in full force and virtue for fifty years.

SEC. 12. In case the said corporation shall deem the present amount of capital insufficient for the purposes herein named, the said corporation is hereby authorized to extend the capital stock of said corporation to any amount, not exceeding ten thousand dollars.

This act to take effect and be in force from and after its passage.

# CHAPTER XLII.

AN ACT to incorporate the Marion and Mississinawa Bridge Company.

[APPROVED FEBRUARY 15, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Marion and Mississinawa bridge company, and by that name shall be capable of holding real estate sufficient for carrying into effect the purposes of this act, not exceeding ten thousand dollars, and of suing and being sued, defending and being defended, in law and equity in all courts whatsoever, and shall have authority to ordain and establish such by-laws and rules and regulations, not repugnant to the constitution of this state or of the United States, as shall from time to time be necessary for the management and good government of said corporation.

SEC. 2. The capital stock of said corporation shall be six thou-

sand dollars, divided into shares of ten dollars each.

SEC. 3. That James Sweetser, M. C. Woodworth, Isaac Bedsaul, Riley Marshall, Samuel McClure jr. and John N. Stevenson be commissioners to open books for receiving subscriptions to the capital stock of said corporation, and the books shall be opened on or before the first day of September, 1838, and each of said commissioners may receive subscriptions.

SEC. 4. Whenever three hundred shares of the stock of said corporation shall be subscribed, the commissioners shall cause an advertisement to be inserted in some newspaper printed the nearest to Marion, Grant county, giving at least three weeks notice of the time and place of the meeting of the stockholders to choose directors; and at the time and place appointed, the stockholders shall choose seven directors being stockholders of said corporation, who shall serve one year or until their successors are chosen and sworn into office, a majority of whom shall constitute a quorum to transact business. An annual election for directors shall be held at such time and place as the stockholders at their first meeting shall appoint. The directors thus chosen shall as soon thereafter as practicable, choose one of their own body as president, and also appoint a secretary and such other officers as may seem to be necessary: Provided, that should the stockholders neglect or fail at any annual election to elect directors, the corporation on that account shall not be dissolved, but the president and directors for the time being shall continue to exercise the duties of their office until their

saccessors are chosen by the stockholders.

SEC. 5. The directors may demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they may think proper, not exceeding fifty per cent, of the amount of stock every six months, by giving thirty days notice in writing to stockholders, stating the amount on each share demanded, and the time and place of payment shall be set forth, and if any stockholder shall neglect or refuse to pay his proportion as required for more than ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due. in any court of competent jurisdiction, and recover the amount due with two per cent. interest thereon from the delinquent, and if the amount cannot be made on execution, or if such delinquent is out of the state. the corporation may declare such stock for feited to the corporation, with whatever amount may have been paid thereon, and the same shall be absolutely forfeited to the corporation.

SEC. 6. The said corporation may erect a bridge across the Mississinawa river at or near Marion in Grant county, and the said corporation shall have and may use the writ of ad quad damnum, and all the benefits arising from the law allowing such writ, for the purpose of having condemned the necessary quantity of ground for the erection of

abutments, toll house and necessary causeways.

SEC. 7. Whenever the said bridge shall be completed, the said corporation may erect a gate at either end of the bridge, and demand and receive toll, not exceeding the following rates, to-wit: For every four wheel carriage drawn by two horses, oxen or any other animals, twenty-five cents, for each additional horse, ox or any other animal used for draught, attached to such carriage or carriages, six and one-fourth cents; for one horse attached to a four or two wheel carriage with driver, eighteen and three-fourth cents; for man and horse, twelve and a half cents; for foot passengers, six and one-fouth cents; for each head of neat cattle or horses, two cents. The same shall be received for sleds or sleighs with horses or other animals, as for wheel carriages; for hogs and sheep, one cent, and all other animals in like proportions. But all persons going to or from muster, when doing military duty, and all funeral processions shall be exempt from paying toll.

SEC. 8. If any person shall wilfully impair or injure said bridge, he, she or they so offending, shall forfeit and pay to said corporation. treble the amount it may cost to repair the same, with costs of suit, to be recovered on conviction thereof, before any court of competent jurisdiction.

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SEC. 9. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay to the said corporation, eight times the amount of legal toll, to be recovered by an action of debt before a justice of the peace.

SEC. 10. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or shall receive or demand more than legal toll, he shall for every such offence, forfeit the sum of five dollars, to be recovered with costs, before a justice of the peace, to the use of the person so hindered or defrauded.

SEC. 11. Said bridge shall be built not less than twenty feet wide, and shall be well secured by a railing on each side, not less than four feet high.

SEC. 12. If said bridge shall not be constructed within three years from the passage of this act, then and in that case, this act to be null and void, otherwise to remain in full force and virtue for the term of thirty years.

SEC. 13. The navigation of the Mississinawa river shall be preserved free from obstruction, and the bridge shall be built sufficiently high to admit loaded boats to pass under it.

SEC. 14. Certificates of stock shall be given to stockholders which shall be evidence of stock held; they shall be signed by the president and countersigned by the secretary, the stock shall be transferable on the books of the corporation only, personally or by an agent or attorney duly appointed for that purpose; but such stock shall at all times be holden by the corporation for any debts due from the holders thereof to the corporation.

SEC. 15. It shall be the duty of the corporation to cause a full statement of the affairs of the corporation to be made and exhibited to the stockholders at every annual election, or any other general meeting of the stockholders. The president and directors shall fill all vacancies that may happen in their own body. They may sit on their own adjournments, or on the call of the president, and where the president is absent, the directors may appoint a president pro tempore.

SEC. 16. In all elections for directors, each stockholder shall be entitled to vote either in person or by proxy, under such regulations as may be prescribed by the stockholders, according to the following scale, to wit: for every two shares above five, and under fifteen, one vote; for every three shares above fifteen, and not exceeding thirty, one vote; for every five shares above thirty, one vote.

SEC. 17. Half yearly dividends of so much of the profits, as the corporation may deem expedient, shall be made on the first Mondays of November and May annually, unless the directors fix on a different day, and paid to the several stockholders, as soon thereafter as it can with convenience be done; but no dividend shall be made to a greater amount than the nett profits after deducting all expenses.

SEC. 18. In case the corporation shall deem the present amount of

capital insufficient for the purposes herein named, the said corporation is hereby authorized to extend the capital stock of said corporation to any amount not exceeding ten thousand dollars.

SEC. 19. That no other person or persons shall be authorized after said bridge shall be finished, and completed for passengers, and so long as said bridge shall be kept in good repair during the continuance of this charter to establish any ferry or bridge across on the Mississinawa river within a half mile of said bridge.

SEC. 20. The stockholders shall be individually holden for debts, and demands against the corporation, and the State reserves the right of improving said stream in any manner she may deem expedient here-

This act to take effect and be in force from and after its passage.

## CHAPTER XLIII.

AN ACT to Incorporate the Lawrenceport Bridge Company.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body corporate by the name and style of the "Lawrenceport Bridge Company," for the term of fifty years; and by that name and style shall be capable of holding real estate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate sufficient to carry into effect the purposes of this act, and of suestate suestate suestate suestate suestate suestate suestate

SEC. 2. That the capital stock of said company shall be twenty thousand dollars, or so much thereof as is necessary to carry into effect the object of this act of incorporation; said capital stock shall be divided into shares of twenty-five dollars each.

SEC. 3. That Sheward P. Moore, John Brown, John Edwards Jr., of the county of Lawrence, and Townsend Cutshaw, James Young and William Phelps of the county of Washington, or in case of their refusal to serve, such other persons as a majority of them may designate, be, and they are hereby appointed commissioners to open books for receiving subscriptions to the capital stock of said company: and the said books shall be opened on or before the first day of July next, and each of said commissioners after the books are opened as aforesaid, may individually receive subscriptions for said company.

SEC. 4. That whenever one thousand dollars shall be subscribed in shares as aforesaid, as stock of said corporation, the said commissioners or a majority of them, shall cause an advertisement to be inserted in some newspaper or written advertisement, set up in some public place, giving at least two weeks notice, of the time and place of holding an election for directors, for said company; and at the place named by said commissioners, the stockholders shall choose seven directors being stockholders of said corporation, who shall serve one year, and until their successors are elected; a majority of whom shall be a quorum to transact business. An annual election for directors shall be held at such time and place as the directors elect shall appoint. The directors thus chosen, shall as soon thereafter as practicable, choose one of their body to be president of the board, and appoint a secretary and such other officers as may be necessary: Provided, that should the stockholders neglect or fail at any annual election to elect directors, the corporation on that account shall not be dissolved, but the president and directors, for the time being, shall continue to exercise the duties of their office until their successors are chosen by the stockholders.

SEC. 5. The directors may demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they may think proper, not exceeding twentyfive per centum of the amount of stock every thirty days, by giving written notice to the stockholders, stating the amount on each share demanded and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay the requisition of the directors within ten days after the time named for such payment, the corporation may bring suit against said delinquent for the amount due, in any court of competent jurisdiction, and recover the amount with two per centum a month interest thereon from the delinquent; and if the amount cannot be made on execution, or if such delinquent is out of the state, the corporation, by their directors, may declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation.

SEC. 6. The corporation may erect a bridge across the East Fork of White river at any point agreed upon by a majority of the stockholders, each stockholder being entitled to one vote for each share owned in said corporation: Provided, that said bridge shall be located at Lawrenceport, on the East Fork of White river, in Lawrence county, and the said corporation shall have and may use the writ of ad quad damnum, and the benefits arising from the law allowing such writ, for the purposes of having condemned the necessary quantity of ground for the erection of the abutments, toll house, and necessary causeways.

SEC. 7. Whenever said bridge shall be completed, the said corporation may erect a gate at either end of said bridge, and demand and receive a toll not exceeding the following rates, to wit: every four

horses or oxen, twenty-five cents; for each additional horse or ox attached to the carriage, six and a fourth cents; every two-wheeled pleasure carriage, twenty-five cents; for every wagon, sleigh, sled, cutter or cart, drawn by one horse, eighteen and three-fourth cents; and for each additional horse, six and a fourth cents; for each man and horse, twelve and a half cents; for each horse or mule, six and a fourth cents; for each head of neat cattle, three cents; for every sheep or hog, one cent; for every foot passenger, six and a fourth cents, and in analagous proportions of the foregoing rates for any other animals or carriages. But all persons going to or returning from places of religious worship, going to or returning from muster, when doing militia duty, and all funeral processions, shall be exempt from paying toll.

SEC. 8. If any person shall wilfully impair or injure the said bridge, he, she, or they, so offending, shall forfeit and pay to the corporation treble the amount it may cost to repair the same, with costs of suit to be recovered on conviction thereof, before any court of competent jurisdiction.

Sec. 9. If any person shall forcibly pass the gates without paying the legal toll, he shall forfeit and pay to the said corporation eight times the amount of the legal toll, to be recovered by an action of debt before any justice of the peace in said county of Lawrence.

SEC. 10. If any toll gatherer shall unreasonably delay or hinder any passengers at the gate, or shall receive or demand more than the legal toll, he shall for every such offence forfeit the sum of five dollars to be recovered with costs before a justice of the peace to the use of the person so delayed, hindered or defrauded.

SEC. 11. If said bridge shall not be constructed within five years from the passage of this act, then and in that case, this act shall be null and void, otherwise to be and remain in full force and virtue for the term of fifty years.

SEC. 12. Certificates of stock shall be given to stockholders, which shall be evidence of stock held; they shall be signed by the president, and countersigned by the directory. The stock shall be transferable on the books of the corporation only, but such stock shall be holder by the corporation for any debts due from the holders thereof to me corporation.

SEC. 13. It shall be the duty of the corporation to cause a full statement of the affairs of the corporation to be made and executed to the stockholders at every annual election of the directors, or at least once a year, and subject to the inspection of any one of the stockholders. The president and directors shall fill all vacancies that may happen in their body; they may sit on their own adjournments, or on a call of the president, and when the president is absent the directors may elect a president pro tem.

SEC. 14. In all elections each stockholder shall be entitled to one vote for each share he holds either in person or by proxy, under such regulations as may be prescribed by the stockholders.

SEC. 15. Half yearly dividends shall be made of so much of the profits as the corporation may deed expedient, on the first Mondays of Jan-

uary and July annually, and paid to the stockholders, as soon thereafter as it can be done, but no dividend shall be made to a greater amount

than the nett profits after deducting all the expenses.

SEC. 16. The said corporation shall not at any time nor in any manner obstruct or otherwise hinder the navigation of said river, but said bridge shall be constructed with a draw-way as to admit the passage of steam boats, without unnecessary delay, whenever it is expedient that they shall pass.

SEC. 17. If upon the final location of the Jeffersonville and Crawfordsville McAdamized road, said road should cross at the point at which said bridge shall be constructed, the state reserves the right to appropriate said bridge to the use of said road, paying said corporation the amount of the original cost thereof, to be ascertained to the satisfaction of the board of public works, or the commissioner upon said line may construct a suitable bridge for said McAdamized road, at whatever other point near said bridge the public interest may require. This act to take effect and be in force from and after its passage.

#### CHAPTER XLIV.

AN ACT to Incorporate the West Delphi Bridge Company.

or any justice of the process and course of the words

[APPROVED, FEBRUARY 15, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Daniel F. Vandementer, John F. Schermerhorn, A.D. E. Tweed. George Pigman, Thomas Dunlap, Thomas Cole, James H. Stewart, Michael C. Dougherty, and Aaron Finch, and their associates be, and they are hereby created a body polotic and corporate, by the name and style of "The West Delphi Bridge Company," for the purpose of constructing a bridge across the Wabash river, at one of the three streets in the addition laid off to the town of West Delphi; and they and their associates and successors shall continue and have perpetual succession, and by that name and style are hereby made as capable in law as natural persons, to contract and be contracted with, to sue and be sued, to plead and be impleaded in all courts of law and equity; and to make, have, and use a common seal, and the same to break, alter or amend at pleasure. They shall also have the power to purchase and hold as much real estate as will be necessary for the site of said bridge or the scites for the piers, abutments, toll houses, house for the toll gatherers, and suitable avenues leading to said bridge; also to borrow money, not exceeding the amount of capital stock mentioned in this act; also to have the power to ordain and establish such by-laws, ordinances, and regulations as shall be locessary for the well being and government of said corporation, not contrary to the laws of this State and the United States.

SEC. 2. The capital stock of said corporation shall be fifty thou-

sand dollars, divided into shares of fifty dollars each.

SEC. 3. That within four months after the passage of this act, the persons before named, or a majority of them may appoint for that purpose, shall open books of subscription of the stock of said company at such time and place or places, as they may think proper; which books may be kept open under the direction of said persons, until at least two hundred shares of said capital stock shall be subscribed.

- SEC. 4. Whenever two hundred shares of the stock of said corporation shall be subscribed, the said persons and their associates, or a majority of them, shall cause an advertisement to be inserted in some newspaper published in the town of Delphi, giving at least two week's notice of the time and place of meeting of the stockholders to choose directors, and at the time and place appointed, the stockholders shall choose five directors, being stockholders of said corporation, who shall serve one year, and until their successors are chosen and qualified into office; a majority of whom shall be a quorum to transact business. An annual election for directors shall be held at such time and place, as the stockholders at their first meeting shall appoint. The directors thus chosen shall as soon thereafter as practicable, choose one of their own body as president, and also appoint a secretary and such other officers as may be necessary: Provided, That should the stockholders neglect or fail at any annual election to elect directors, the corporation on that account shall not be dissolved; but the president and directors for the time being, shall continue to exercise the duties of their office until their successors are chosen by the stockholders. And the first mentioned persons or a majority of them, shall superintend the first election of directors to be appointed by the stockholders as aforesaid.
- SEC. 5. The directors may demand from the stockholders respectively all such sums by them subscribed at such times and in such proportions as they may think proper by giving thirty days' notice in some newspaper printed in the town of Delphi, or by giving written notice to the stockholders stating the amount on each share demanded, and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay the requisition within twenty days after the time named for such payment, the corporation may declare such stock forfeited to the corporation, together with the amount which may have been paid thereon; or the corporation may if any stockholder shall neglect or refuse to pay the requisition within ten days after the time named for such payment bring suit against such delinquent in an action of debt for the amount due in any court of competent jurisdiction, and recover the amount with ten per cent. interest thereon from the delinquent. And if the amount cannot be made on execution the corporation may declare such stock forfeited to the corporation with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation; but the

stock of no non-resident of this state shall be forfeited for a failure to pay the requisition unless he shall have had personal notice and a reasonable time to pay the requisition which may have been made.

SEC. 6. Said corporation is hereby authorized to erect a bridge across the Wabash river at some point hereafter to be determined and fixed upon by the directors in the addition to the town of West Delphi in Carroll county to the opposite bank of the river; and the said corporation shall have and may use the writ of ad quod damnum, and all the benefits arising from the law allowing such writ for the purpose of having condemned and set over to said corporation the necessary quantity of land for the erection of abutments, toll-houses, and all necessary causeways, bridges, and embankments: Provided, that said bridge shall be so built and constructed as in nowise and in a manner to obstruct, retard or impede the free and uninterrupted navigation of the Wabash river, by all steam boats, flat boats, keel boats, or other kind of water craft whatever, that has or may hereafter navigate said stream, and that the provisions of the "ordinance of Congress of the 13th July, 1787, which declares that stream to be a public highway and for ever free, as well to the inhabitants of the territory of Indiana as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost, or duty therefor," be and the same are hereby fully recognized, and conceded that a failure, neglect, or a refusal on the part of the said corporation to comply with the provisions of this amendment shall work a direct and positive forfeiture of the said charter, (to which this is an amendment); and that this legislature reserve the right to alter or amend said charter whenever they think the public good requires it: Provided however, that no injustice shall be done thereby to the stockholders. agreeably to the original spirit and meaning of this charter.

SEC. 7. Whenever the said bridge shall be completed the said corporation may erect a gate at or near either or both the ends of said bridge, and demand and receive a toll not exceeding the following rates, to-wit: for every four wheeled carriage or wagon drawn by two horses or two oxen, twenty-five cents; for each additional horse or ox attached to the carriage, six and a fourth cents; every two wheeled pleasure carriage drawn by one horse, twenty-five cents; for each additional horse attached to the carriage, six and a fourth cents; for every wagon or cart, sleigh, sled, or cutter, drawn by one horse, eighteen and three fourth cents; for every cart, sleigh, or sled drawn by two horses or oxen, twenty-five cents; for each man and horse, mule, or head of neat cattle, six and a fourth cents; for every hog and sheep, one cent; for every foot passenger, six and a fourth cents; and in analagous proportions of the foregoing rates for any other animals and ve-

hicles.

Sec. 8. If any person shall pass, or attempt to pass the gate without having paid the legal toll he shall forfeit, and pay to the corporation eight times the amount of legal toll, to be recovered by an action of debt before a justice of the peace, and in any such action a capias may be the proper process.

SEC. 9. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or shall demand and receive more than the legal toll, he shall for every such offence forfeit the sum of five dollars, to be recovered with costs before a justice of the peace to the use of the person unreasonably delayed, hindred or defrauded.

SEC. 10. If any person shall wilfully impair or injure the said bridge, he, she, or they so offending shall forfeit and pay to the corporation treble the amount it may cost to repair the same with costs of suit, to be recovered on conviction thereof before any court of competent jurisdiction an action of debt.

Sec. 11. If said bridge shall not be constructed within five years from the passage of this act, then and in that case this act is to be null

and void.

SEC. 12. Certificates of stock shall be given to stockholders, which shall be evidence of stock held; they shall be signed by the president and countersigned by the secretary; the stock shall be transferable on the books of the corporation only, personally, or by an agent or attorney, duly authorized for that purpose, but such stock shall at all times be holden by, and a lien is hereby granted to, the corporation for any debts due from the holders thereof to the corporation, and such stock may be declared by the corporation to be forfeited to the corporation to satisfy any such lien, or sold by said corporation to satisfy any such lien according to such rules and regulations as said corporation may adopt, but no stock shall be forfeited or sold for failure to pay any requisition or payment on stock in any other manner than is provided by section five of this act.

SEC. 13. It shall be the duty of the corporation to cause a full statement of the affairs of the corporation to be made and exhibited to the stockholders at every annual election, or every other general meeting of the stockholders; the president and directors shall fill all vacancies that may happen in their own body, and may also fill any vacancy of the offices of the corporation; they may sit on their own adjournments, on the call of the president or any three directors, and when the president is absent the directors may appoint a presiding officer pro tem.

SEC. 14. In all elections for directors, each stockholder shall be entitled to vote either in person or by proxy, under such regulations as may be prescribed by the directors according to the following rule, to-wit: for each share not exceeding twenty shares, one vote; for every two shares above twenty and not exceeding forty, one vote; for

every three shares above forty, one vote.

SEC. 15. Half yearly dividends of so much of the profits as the corporation may deem expedient shall be made on the first Mondays in January and July, annually, unless the directors fix on a different day, and paid to the several stockholders or their legal representatives or agents, or attorneys, as soon thereafter as it can with convenience be done, but no dividend shall be made to a greater amount than the nett profits, after deducting all expenses.

SEC. 16. The stockholders in the corporation shall be liable individually, for all demands against the corporation after the corporate

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stock is exhausted or the proper officer makes a return upon his process that he is unable to make the demand.

SEC. 17. The said corporation shall not, in erecting said bridge, or otherwise impair the navigation of said water course, and the state reserves the right by legislative enactment, to improve at any time hereafter the navigation thereof, in any manner deemed expedient.

SEC. 18. This said corporation shall exist and be in force for the term of fifty years.

This act to take effect and be in force from and after its publication.

### CHAPTER XLV.

AN ACT to incorporate the Lagro and Wabash Bridge Company.

# [APPROVED JANUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name and style of the Lagro and Wabash bridge company, and by that name shall be capable of holding real estate sufficient for carrying into effect the purpose of this act, and of suing and of being sued, defending and being defended in law and equity, in all courts whatsoever, and shall have authority to ordain and establish such by-laws, rules and regulations, not repugnant to the constitution or the laws of this state or the United States, as shall from time to time be found necessary for the management and good government of said corporation.

Sec. 2. That Elias Murray, William B. Cadwell, W. B. Barlow, Thomas Hamilton, E. F. Keller, Benjamin Enyard, William T. Ross, B. W. Loury and Robert English of the county of Wabash, shall be commissioners to open books for receiving subscriptions to capital stock of said corporation, and the said books shall be opened on or before the first day of July A. D. 1838, and each of said commissioners

ŠEC. 3. The capital stock of said corporation shall be ten thousand dollars or so much thereof as is necessary to carry into effect the object of this act of incorporation; said capital stock shall be divided into

SEC. 4. Whenever eighty shares of the stock of said corporation shall be subscribed, the commissioners shall cause an advertisement to be set up in three public places in the town of Lagro, giving at least three weeks notice of the time and place of the meeting of the stockholders to choose directors, and of the time an place appointed: the stockholders shall choose seven directors being stockholders of said

corporation, a majority of whom shall be competent to transact business; a new election of directors shall be held annually thereafter on the last Saturday in September, or as soon thereafter as a majority of the stockholders can convene for that purpose, at such place as the stockholders at a previous meeting shall designate; the directors thus chosen at any election, shall as soon thereafter as may be, choose out of their number one person to be president, who shall appoint a secretary and

SEC. 5. The directors may demand from the stockholders respectively, all such sums of money by them subscribed at such time and in such proportion as they may think proper, and in penalty of forfeit-

ing their respective shares and all previous payments.

SEC. 6. The said corporation may erect a toll bridge across the Wabash river at any point agreed upon by the majority of the stockholders, each stockholder being entitled to one vote for each share owned in said corporation: Provided, that said bridge shall be located at some point between the mouth of the Salamonia river, and where the Marion and Lagro state road crosses the Wabash river, opposite the lower street of said town of Lagro; and the corporation shall and may use the writ of ad quod damnum, and all the benefits arising from the law allowing such writ, for the purpose of having condemned the necessary quantity of ground for the erection of the abutments, toll house and necessary causeway.

SEC. 7. The said bridge shall be built such width and in such manner as a majority of the stockholders may determine, voting in the manner prescribed in the foregoing section: Provided however, that said bridge shall not be less than twenty feet wide, well secured by a

railing on each side not less than four feet high.

SEC. 8. Whenever said bridge shall be completed, the said corporation may erect a gate at either end of said bridge, and demand and receive a toll not exceeding the following rates, to-wit: For every four wheeled carriage drawn by two horses or oxen, twenty-five cents; for each additional horse or ox, six and a fourth cents; every two wheeled pleasure carriage, twenty-five cents; for every wagon, sleigh or cart drawn by one horse or ox, eighteen and three fourth cents; and for every additional horse or ox, six and a fourth cents; for each man and horse, twelve and a half cents; for each horse, mule or work ox, six and a fourth cents; for each head of neat cattle, three cents; for every sheep or hog, one cent; for every foot passenger, six and a fourth cents; and in analagous proportions of the foregoing rates for any other animal or carriage. But all persons going to or returning from places of religious worship, going to or returning from muster when doing military duty, and all funeral processions shall be exempt from paying toll.

Sec. 9. If any person or persons shall wilfully impair or injure said bridge, he, she or they so offending, shall forfeit and pay to the corporation the sum of five dollars, to be recovered with the costs of suit, and shall also be liable to pay the corporation treble the amount of damages sustained, with costs of suit, to be recovered in an action

of trespass, in any court of competent jurisdiction.

SEC. 10. If lany person shall forcibly pass' the gate without having paid the legal toll. (except persons going for physicians), he shall forfeit and pay to said corporation eight times the amount of legal toll, to be recovered by an action of debt before a justice of the peace.

SEC. 11. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or shall receive or demand more than legal toll, he shall for every such offence, on conviction, forfeit the sum of five dollars, to be recovered before a justice of the peace, to the use of the person so unreasonably hindered, delayed or defrauded.

Sec. 12. If said bridge shall not be constructed within ten years from the passage of this act, then and in that case this act shall be null and void, otherwise to remain in full force and virtue for fifty

years and no longer.

SEC. 13. In case the corporation shall deem the present amount of capital insufficient for the purpose herein named, the said corporation is hereby authorized to extend the capital stock of said corporation to any amount not exceeding twenty thousand dollars.

SEC. 14. Nothing in this act shall be so construed as to prevent hereafter the erection of one or more bridges within the points described in the foregoing act, across said Wabash river, should public ne-

cessity require it.

SEC. 15. The said corporation shall not at any time nor in any manner obstruct the said Wabash river.

This act to take effect and be in force from and after its passage.

#### CHAPTER XLVI.

AN ACT to incorporate the Rockport Steam Mill and Manufacturing Company.

#### [APPROVED FEBRUARY 7, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That for the purposes of building and managing a steam saw and grist mill at the town of Rockport, Spencer county, Indiana, and for transacting all business incident thereto, John Proctor, John Crawford, Thomas P. Britton, Alexander Britton, Daniel Brown, James Jones. Thornton Farrow, John W. Graham, Abel J. Patridge, John H. Arnold, Benjamin Rowmine, William Jones, and John A. Studiville and their associates, be, and they are hereby constituted a body politic and corporate by the name and style of the Rockport Steam Mill and Manufacturing Company, and in such corporate name and capacity, may sue and be sued, plead and be impleaded in any of the courts of law and equity in this state.

SEC. 2. The process against said corporation shall be by summons. which being executed on any director or president thereof, the further proceedings shall be the same as against natural persons.

SEC. 3. The said corporation may have a common seal, and may change and alter the same at pleasure, and shall be capable of purchasing, holding, useing, and conveying any real estate and personal property necessary for the use of said corporation.

SEC. 4. The capital stock of said incorporation shall be twenty thousand dollars, and shall be divided into shares of twenty five dollars each, but it shall be lawful for said corporation to commence business when and so soon as three thousand dollars have been subscribed for, and with that capital to commence, conduct, and carry on the same until they shall find it expedient to enlarge the capital stock, which they are authorized to do from time to time, to the amount herein before mentioned.

SEC. 5. The books for the purpose of procuring subscription to said stock shall be opened by John Proctor, John Crawford, Thomas P. Britton, Daniel Brown, and James Jones, or any three of them at Rockport, and at other such places as to them or any three of them shall seem fit, and they are hereby appointed commissioners to receive subscriptions to said stock on such days and times as they shall appoint, after the passage of this act, and the sum of ten dollars at least shall be paid on each share previous to the election of directors.

SEC. 6. So soon as the sum of three thousand dollars has been subscribed, the commissioners appointed to receive the same having fixed the amount of the first instalment, shall appoint a day and place at which the stockholders shall meet and pay the said instalment on their respective shares, and elect directors, of which they shall give notice by advertisement in the Rockport Gazette, or by fixing notices on the court house door previous to the time of such meeting at least ten

days.

SEC. 7. The stock, property and concerns of said corporation shall be managed by seven directors, to be annually chosen by the stockholders, on the first Monday in July of each year, who shall be stockholders and residents of Spencer county, and shall hold their offices for the term of one year and until their successors are elected, of whom four shall form a quorum for doing business: Provided however, that those first elected shall hold their office from the time of their first election until the first Monday in July, 1839, and until their successors are elected, and no failure to elect officers shall dissolve the corporation, but the acting directors shall continue in office until the next annual election.

Sec. 8. All elections shall be by ballot, and each share shall count

one vote and may be given by proxy.

SEC. 9. The first election herein contemplated shall be under the direction of the commissioners, and all subsequent ones under the direction of the directors.

SEC. 10. The directors chosen under this act, as soon as may be after their election, shall proceed to elect one of their body as president, and if any vacancy afterwards happens as to president or directors, the residue of their body shall appoint from the stockholders suitable persons to fill such vacancies for the remainder of the term

for which such directors were elected.

SEC. 11. The board of directors or a quorum thereof, shall have power to form such by-laws and ordinances as shall from time to time seem to them to be needful and proper touching the management and disposition of the stock, property, estate and effects of the said corporation, and to do all other things necessary to the promotion of the objects of said institution as shall be consistent with the laws of the United States and state of Indiana.

Sec. 12. The stock of said corporation shall be assignable and transferable according to such rules and regulations as the board of directors may make and establish, and shall be considered personal property; Provided, that no transfer of stock shall be valid or effectual until registered in a book to be kept for that purpose by the president; which book, as well as all others kept by the corporation, shall, at all times suitable for transacting business, be opened to the inspection of any stockholders, or person having any demand against the corporation or any member of it; and in case any officer or member of the said corporation, or any other person entrusted with the charge of such books shall refuse to let any person interested in said books examine the same, on reasonable demand, such officer or person shall be subject to a fine of fifty dollars for every such offence, to be recovered by indictment in the Spencer circuit court, which fine shall be applied to the use of the county seminary for said county.

SEC. 13. The directors shall at all times keep or cause to be kept at some proper place, books of accounts, in which shall be entered

all the transactions of said corporation.

SEC. 14. The said stockholders shall each be held responsible to all creditors in his individual capacity, to an amount equal to all the stock by him subscribed on failure of said corporation to discharge its debts and legal liabilities: Provided however, that no individual property shall be applied to the payment of demands against said corporation until the entire property, stock, and money of said corporation shall have been applied; And provided also, that should the directory of said corporation at any time create a debt exceeding the amount of stock subscribed, their individual property shall be first applied after the application of the funds of the corporation.

Sec. 15. The commissioners herein appointed, may collect by action of debt, the first instalment on all shares subscribed: Provided, they be not paid as herein before provided, and the directory shall have the same ready for the collection of all subscription of stock that shall not be paid previous to their election; on failure of the stockholders to pay their respective shares as they may be called on by the directory, and in either case such delinquent stockholders shall be liable to pay to the said commissioners or directory, twenty-five per centum

damages on the amount due.

SEC. 16. This charter shall not be so construed as to bind said corporation to build both a steam saw and grist mill, but they shall be left at liberty to build the one or the other, or both as they shall think fit;

and they may select any site for said mill within the said town of Rock-

SEC. 17. For the recovery of all demands due said incorporation, their proper remedy shall be by action of debt at the suit of any per-

son to whom the said incorporation may be indebted.

SEC. 18. The directory of said incorporation shall annually declare a dividend to all stockholders in said corporate fund, and at such other times as the directory may think advisable and at each annual election shall lay before the stockholders, their books showing a full and fair exposition of all the transactions of the previous year.

SEC. 19. This charter shall be limited to fifty years.

This act shall take effect and be in force from and after its passage.

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# CHAPTER XLVII.

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AN ACT to incorporate the Mishawaka Iron and Manufacturing Company.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John N. Shearman, Orlando Hurd, George W. R. Fowler, Charles W. Pomeroy and Alonzo Delano and their successors in office, duly elected as hereinafter provided, are hereby constituted a body politic and corporate, and by the name and style of the "Mishawaka Iron and Manufacturing company," shall be able and capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts whatsoever, to make and use a common seal, and the same to alter and change at pleasure; and shall be able in law to make contracts and enforce the same, and to make and enforce the necessary by laws, rules and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this state nor of the United States.

SEC. 2. The capital stock of said corporation shall be one hun-

dred thousand dollars, divided into shares of fifty dollars each.

SEC. 3. The directors herein named shall meet at the town of Mishawaka on the third Monday in March next, or in four months thereafter, and shall then and there appoint a president and secretary out of their own body, and organize said corporation, and for this purpose a majority of said directors shall be necessary to form a quorum; and when organized shall cause books to be opened at as many and such places as to them may seem proper, giving two weeks public notice thereof, for the subscription to the capital stock of said corporation,

and each person subscribing, shall pay at the time of subscribing, the sum of five dollars on each share subscribed for, or a less sum at the option of the directors, whose duty it shall be to set forth the amount required, in the notice for opening the books for the subscription of the capital stock to said company, and such subscription when so made shall be binding and obligatory upon the subscribers, and shall be recovered of him [them] in any court of competent jurisdiction by an action of debt or otherwise.

SEC. 4. As soon as one thousand shares are subscribed for, the directors shall appoint a time and place for holding an election for five directors for said company, who shall be stockholders therein, and at least thirty days public notice thereof shall be given, which election shall be conducted by two judges to be chosen by the stockholders then present, and the persons receiving the largest number of votes shall be duly elected; and in all elections, each share shall entitle its owner to one vote, which may be given in person or by proxy.

SEC. 5. Said five directors when so elected, shall choose from among their own body a president; and said president and directors shall hold their offices for one year or until others be legally elected; and the president of said corporation shall be their legal agent to transact their business, and all contracts entered into by him in behalf of said corporation, shall be binding on said corporation, and the contracts of no other person shall be binding on said corporation or on any other person whatsoever; and each stockholder shall be individually responsible for all legal liabilities on account of said corporation in

proportion to his amount of stock in said company.

SEC. 6. That said directors shall have power to open books at any time and place for the subscription to the balance of the capital stock of said company, and to call for such amount of the stock as they may deem proper, by giving thirty days public notice of the time and place appointed for paying the same; and if any person shall neglect or refuse to pay such requisition, they shall have power to collect the same by law, or to declare the same forfeited, as to them may seem most expedient: Provided, sixty days notice be given to the owner before said forfeiture; and if they shall deem it for the interest of said company, to declare any stock as above forfeited, they shall make such entry on their books, and the same shall thereby be absolutely forfeited to said corporation with all moneys that may have been paid on the same.

SEC. 7. The said corporation shall have power to purchase and hold all property necessary to carry into effect the object of this act; and to construct all such machinery as may to them seem proper for the interest of said company, all of which machinery shall be situated in

the town of Mishawaka in St. Joseph county.

And this charter shall exist and be in force for the period of fifty

years.

SEC. 8. This act to take effect and be in force from and after its publication in the South Bend Free Press.

#### CHAPTER XLVIII.

AN ACT to incorporate the Marion Fire Engine Company.

[APPROVED, JANUARY 20, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Caleb Scudder, Nicholas McCarty, Benjamin I. Blythe and Calvin Fletcher, of the town of Indianapolis and county of Marion, their associates and successors to the number of not more than three hundred, be, and they are hereby constituted a body politic and corporate, by the name and style of "The Marion Fire Engine Company," and by that name during the continuance of this act, shall have succession, sue and be sued, plead and be impleaded against, in any court of law or equity; contract and be contracted with, have power to take, hold and convey, real and personal property necessary for the purpose of extinguishing fires and the preservation of the engine, tools and implements of the said company to the amount of ten thousand dollars, and have and use a common seal, and break, change and alter the same at pleasure.

SEC. 2. The said corporation shall have full power to make and establish such by-laws, rules and regulations as they from time to time shall think proper, as to the time, place and manner of electing their officers, and as to the period of their continuance in office, and as to the powers and duties of said officers, and for fixing the time and place of meeting of said company, for regulating the manner of conducting their business when met, and to compel the attendance of its members at the meetings of the company and at fires, and with respect to all such other matters whatsoever as relates to the purposes for which this corpora-

tion is constituted.

SEC. 3. The members of said corporation shall be exempt from militia duties, except in case of insurrection or invasion, and from service on juries in justices courts, and from the payment of a poll tax for county purposes, and road tax for personal privilege, and they shall after ten years service in said company, be forever thereafter, exempt from the performance of militia duties except in cases of insurrection or invasion, and a certificate signed by the president and attested by the secretary with the seal of said company annexed, shall be competent evidence in all cases that the persons to whom it is given is and has been a member of said company.

SEC. 4. All fines incurred by this act, or the by-laws, rules or regulations of said company, shall and may be recovered by the treasurer of said company in the name of the company, before any justice of the peace of the said county of Marion, with costs of suit, in which action it shall be lawful to declare generally in debt for each fine or penalty,

and give the special matter in evidence, and the defendant may plead the general issue, and give the special matter in evidence, and all fines and penalties so recovered shall be appropriated in such way as may be directed in the by-laws of said company.

SEC. 5. The by-laws, rules and regulations and private transactions of said company, shall be entered in a book kept for that purpose, which entries may be given in evidence, in any trial for the recovery of any fine or penalty which may be incurred by virtue of this act.

SEC. 6. This act shall be a public act, and be judicially noticed, and be liberally construed by all courts of this state, and the general assembly may at any time hereafter, modify, amend or repeal the same.

This act to take effect from and after its passage.

#### CHAPTER XLIX.

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AN ACT to incorporate the Marion Guards, and for other purposes.

#### [APPROVED FEBRUARY 14, 1838.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana. That Alexander W. Russell, Wm. H. Morrison, William Hannaman, P. W. Seibert, Charles Cox, Milton Foudray, Alfred Frazee, James M. Smith, Nathaniel West, P. K. Landis, Edward M'Guire, Lawrence M. Vance, John M. Wood, Wm. H. Wernwag, Wm. A. Sangster, David Cox, Wm. Y. Wiley, J. T. Williams, J. L. Bradley, J. P. Southard, Hervey Brown, J. R. Nowland, G. W. Stipp, J. M. Moore, J. Morrison, V. C. Hanna, Charles Fisher, D. S. Holland, J. W. Yandes, T. M. Weaver, J. M. M'Cluer, T. Donnellan, John Jennison, J. Cannon, John M'Dougal, J. B. M'Chesney, J. D. Morris, Jos. Andrus, W. H. May, S. V. B. Noel, T. B. Johnson, David M'Fall, Isaac True, G. W. Todd, N. B. Taylor, S. B. Woolman, T. A. Morris, C. W. Cady, and their associates and successors be, and they are hereby constituted and declared to be a body corporate and politic by the name and style of the "Marion Guards," and by that name shall have perpetual succession, with full powers and authority to contract and be contracted with, to sue and be sued, plead and be impleaded in any court of law and equity; to make, have, and use a common seal and the same to alter at pleasure; they shall have power to elect their own officers; to make, ordain, establish, and enforce such by-laws. rules, and ordinances not inconsistent with the constitution and laws of the United States or of this State, as they shall deem necessary for the welfare of said company, and to do all other acts in pursuance thereof necessary for the prosperity and good government of the same.

SEC. 2. All officers of said company shall be commissioned by the governor of the State of Indiana, and all resignations shall be made to him; and all elections for officers in said company shall be held at such time and place as may be directed by the company, due notices thereof being given.

SEC. 3. Said company shall be subject to the civil power, and ready when called on by the same to turn out for the purpose of aiding in quelling and suppressing all riots and insurrections which may happen

within the county of Marion.

SEC. 4. Said company shall have power to assess and collect such fines for non-attendance on the parades or drills, or meetings, for the transaction of business of said company, not exceeding five dollars per day, and such fines for deficiency in equipments, not exceeding one dollar for each article, as may be established by the by-laws of said company. They shall also have power to expel from said company, or punish by fine not exceeding five dollars for all attempts or disobedience of orders, or unsoldier-like conduct on parade, drill, or other meetings of the company; and all fines assessed by said company may be sued for by action of debt in the corporate name of said company, and collected before any justice of the peace, or other court having competent jurisdiction.

SEC. 5. All fines collected by said company shall be for the exclusive use of the same, and may be applied towards procuring colors, instruments of field music, tents, and camp equipage, defraying expenses, attending the performance of camp duty, and for teaching music

in the said company.

SEC. 6. That when the regiment within the boundaries of which said company is situate, shall regularly organize and perform duty according to the laws of this State; the said company shall be required to drill and parade at the regimental and company musters or drills required by law, in addition to their usual drills and parades ordered by said company.

SEC. 7. That to enable said company to carry into effect the provisions of the fourth section of this act, they are hereby authorized and empowered to organize within themselves such courts as may be necessary to take cognizance of all delinquencies, contempts, and disobedience of orders, and unsoldier-like conduct on the part of any mem-

ber or members of said company.

SEC. 8. All the provisions of this act shall extend to John B. Martin, Robert Smith and others, being the present members of the company at Vincenness, called the "Vincennes Blues," and shall so take effect accordingly in favor of said company by said name.

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This act to take effect from and after its passage.

#### CHAPTER L.

AN ACT to incorporate the American Cannel Coal Company

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Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Seth Hunt, John D. W. Williams, James T. Hobart, J. B. Russell, Elijah Livermore and their associates, successors and assigns. shall be, and they are hereby created and incorporated a body politic and corporate by and under the name and title of "The American Cannel Coal Company," for the purposes of mining for stone coal at Coal Haven in the county of Perry, and elsewhere in said county; as also for iron ore and other materials, and for the manufacturing iron, copperas and lumber, and building steam and flat boats, for the transportations of coal, lumber, iron and other products; and by the aforesaid name may prosecute and defend suits in law and equity, have a common seal, choose all necessary officers, and make and establish such bylaws, rules and regulations as they may deem necessary and expedient for the management of the business and the government of the interests and concerns of the said company: Provided, the same be not repugnant to the constitution and laws of this state and the United States.

SEC. 2. Be it further enacted, that the said company may purchase, receive, hold and enjoy lands, coal, iron and other mines, rents, tenements, mills and manufactories, furnaces and forges, steam boats and other water crafts, goods, chattels and effects to the amount of three hundred thousand dollars, to be divided into shares of one hundred dollars each, with liberty to increase their capital stock to five hundred thousand dollars should the business of said company require it; and the same to sell, convey and demise, and generally with power to do and perform all acts and things, and have, exercise and enjoy all the rights, immunities and privileges pertaining to companies legally incorporated: Provided, that all the estate, real and personal held and owned by said company, shall be held liable to assessment and taxation in the same manner as if the same were held and owned by an individual.

SEC. 3. Be it further enacted, that the business of the said company shall be mining for coal, iron ore, and other materials, the manufacture of the same in its various branches, the manufacture of copperas, sawing and manufacturing flour and lumber, building steam boats and other water craft, mills, furnaces and forges, and in transporting coal, iron, lumber and other products from Coal Haven and other places to New Orleans and elsewhere, as may be most advantageous to the business and interests of the said company.

SEC. 4. Be it further enacted, that the business of said company shall be carried on by one or more general agents, to be duly appointed by and to be under and subject to the direction and control of the directors of said company, to be chosen annually by the stockholders of said company; said directors shall be chosen annually on the first Monday in May by ballot from among the stockholders, who shall hold their offices for one year and until other directors are legally chosen by a majority of the votes given either by the stockholders present or by written proxy from those not present; and each stockholder shall be entitled to one vote for each share which he or she may hold in the capital stock of said company. The persons or either two of them mentioned in the first section of this act may organize said company, but the first election shall be holden in Coal Haven in Perry county aforesaid on the first Monday in May next, or sooner if required by a majority of the stockholders; and John D. W. Williams, James T. Hobart and J. B. Russell, or either of them are hereby authorized to receive subscriptions to the stock of said company at such times and at such places as they may deem expedient after the passage of this act; which subscriptions shall be paid at such time and in such manner as the board of directors shall ordain and direct, and any two of the persons named in this act may act as judges and managers of said first election, but at each subsequent annual election the acting directors shall act as judges, and shall manage and conduct said elections; and the said directors shall elect one of their number to act as president of said board of directors; and in case of a vacancy of said board by death or otherwise, the remainder of the board of directors shall have power to fill said vacancy. The majority of the board shall form a quorum capable to transact the business of said company, and the said directors shall have full power and authority to carry into effect all the designs contemplated in this act of incorporation.

SEC. 5. Be it further enacted, that the said company may acquire by agreement and contract with the owners and proprietors of lands the right of way for the purpose of having roads from their coal mines to the Ohio river, and they may make and improve all such roads in such manner as may be most advantageous to said company; the said company may also acquire such warehouses and lots as may by required for storing their coal, lumber and other products of their several works, and for the better enabling them to carry on the business in its various departments.

SEC. 6. Be it further enacted, That the president and directors of said company shall appoint one treasurer and one secretary to keep the funds and accounts, and record the proceedings of the said company; and the books of the said company shall at all times be subject to the free inspection of any of the stockholders, and should a majority of said stockholders require it, a true and just statement of the accounts, property and business of the said company shall annually be published by said treasurer and secretary duly certified by the president and directors; and the said president and directors shall from time to time make and pay or cause to be paid to the stockholders such dividends of

the profits as the condition of the said company will justify, without diminishing the capital stock of the said company.

SEC. 7. The said company shall not engage in any species of banking business, or issue bills payable to bearer in the form or nature of bank bills, nor issue checks for money deposited in banks or elsewhere

other than in actual payment of debts.

SEC. 8. The stockholders in said company shall be respectively liable for any debts due by or damages accruing against said company during the time they are such stockholders respectively, to the amount of their stock and no further, and in proportion to the amount of their stock so severally held, to be recovered by a suit in equity: Provided, that before such liability shall attach as aforesaid there shall be a return nulla bona, or not a sufficiency to satisfy an execution issued against said company.

SEC. 9. A violation of any of the provisions of this act shall forth-

with be in law a forfeiture of all the corporate powers thereof.

SEC. 10. This act shall be, and the same hereby is declared to be a public act, for the purposes herein specified, and shall take effect, continue and be in force during the term of fifty years from and after a certified copy thereof shall have been deposited in the clerk's office of Perry county, unless the said company shall sooner be voluntarily dissolved by a vote of a majority of the stockholders, of which public notice shall be given by the president and directors of said company, who shall file a copy of said notice in the clerk's office of said county of Perry, and cause the same to be published in the newspaper at Indianapolis, in which at the time the laws of the state are officially printed, and in the event of the voluntary dissolution of said company before the expiration of the period of its termination by this act, the president, directors and stockholders shall be allowed two years to settle and close the accounts of the said company in the same manner and with the same powers as though the president, directors and stockholdars were still a corporate body.

# CHAPTER LI.

AN ACT to incorporate the Morgan County Seminary.

[APPROVED FEBRUARY 7, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That H. R. Stevens, Hiram Matthews, J. S. Kelley, Henry McCallister, S. W. Young, Jonathan Williams, Wm. A. Major, Samuel Trower, and Benjamin Bull, and their successors in office shall be,, and are hereby constituted a body corporate and politic by the name and style of "The President and Trustees of the Morgan County Seminary,"

and by that name may sue and be sued, plead and be impleaded in any court of law or equity in this State, and by that name have perpetual succession; they shall in law be capable of purchasing, holding, and conveying any estate, either real or personal, for the use of said seminary; they shall be empowered to receive subscriptions, gifts, grants, donations, or bequests, which shall be appropriated to the sole use and benefit of said seminary, in such manner as the said board of trustees shall deem the most profitable.

SEC. 2. The said trustees shall meet at the court house, in the town of Martinsville in the county aforesaid, or at any other place in said town, to be agreed on by them on the first Monday of February next, or on some subsequent day, to be agreed upon by said trustees, and elect a president, a secretary and treasurer, from their own body, all of whom shall continue in office during the time which they have been appointed to serve as trustees, and it shall be the duty of the treasurer, before he enters upon the duties of his office, to execute a bond with sufficient security, in a penalty of two thousand dollars payable to the said trustees, or their successors in office, conditioned for the faithful performance of his duties, and that he will pay over on the order of the said trustees, all moneys that may come into his hands by virtue of the said office, and shall also take an oath or affirmation, before a justice of the peace, for the faithful performance of his trust.

Sec. 3. It shall be the duty of said trustees to purchase a book in which shall be made a record of all their proceedings; which shall be signed by the president and attested by the secretary, and no money shall be paid out but upon the order of the trustees, to be entered on record as aforesaid, a certificate of which, signed by the secretary shall be sufficient authority for the treasurer to pay the same to the person in whose favor the same may be drawn, or his assignee.

Sec. 4. The president and trustees created by virtue of this act, shall hold their office for the term of three years from and after the time of their first meeting and organization, and until their successors are appointed and qualified; and if from any cause a vacancy should occur in said board of trustees, the remaining trustees shall have power to appoint the persons or person to fill such vacancy, and the person or persons so appointed shall hold his or their office for the time for which the original trustees are appointed to serve, and no longer; and at the expiration of the said term of three years, it shall be the duty of the board doing county business in said county, to appoint the number, mentioned in the first section of trustees, with the same powers and duties herein provided for, who shall from thence hold their offices for three years, and until their successors may be appointed, as herein provided for the original trustees; and that thereafter the said president and trustees shall be appointed from time to time in like manner for said term of three years, shall have power to fill their vacancies, should any occur, as aforesaid, and appoint their officers as aforesaid, and so on in succession forever.

SEC. 5. The said trustees, or a majority of them, shall have power from time to time, to make such by-laws and regulations not inconsist-

ent with the laws of this State, or of the constitution of the United States, as they may deem necessary for the purpose of carrying into effect the intentions of this act, for the employment of a suitable teacher or teachers, the good government of said seminary and the students thereof, and the same to enforce, revoke, alter, or amend, as they may deem proper; and for the purpose of purchasing or receiving by donation a suitable site in the town of Martinsville, or in the county aforesaid, and erecting thereon a suitable brick building or buildings for the use of said seminary, and to keep the seminary in repair, the said trustees shall meet when and as often as they deem expedient, and the majority of said board shall constitute a quorum for the transaction of business.

SEC. 6. The board of trustees shall be authorized to demand and receive of the present trustee of the seminary fund of said county, all moneys, notes, bills, bond, books and papers belonging to said fund in his hands; and said board are hereby authorized to make settlement with such trustee, or any former trustee; and if any thing shall be found due on such settlement to said seminary fund from such trustee, or on notes, bills, bonds, or books, in their corporate name, to demand and sue for the same, if they think proper. They shall also have power to demand and receive from the treasurer of State the proportion of all moneys paid into the treasury by persons conscientiously scrupulous of bearing arms, to which the county of Morgan is entitled, and the receipt of such trustees shall be a sufficient voucher to the treasurer of State for the payment of the same; and from and after the time when the said board shall be organized under the foregoing provisions, it shall be the duty of all officers who have collected or may collect money for the use of said county seminary, to pay the same to the treasurer of said board of trustees, whose receipt shall be a sufficient voucher therefor. On the failure of such officer or officers to pay the same over, the said board shall have a right to sue for the same in their corporate capacity, and it shall be the duty of the said treasurer to keep a true account of all moneys by him received, in a book to be kept for that purpose; and the said board shall allow to such treasurer a reasonable compensation for his services.

Sec. 7. That said trustees, so soon as they shall become organiz. ed, if they should think it expedient, shall proceed to select a site and let to contract the building of a brick edifice, such as will most likely

comport with the wish of the citizens of Morgan county.

SEC. 8. It shall be the duty of the trustees aforesaid, to make to the board of commissioners of the county, at their first term in each year, a detailed report of the moneys received and paid out of said fund during the preceding year; said report to state the name of persons from whom moneys have been received, with the amount from each person and date; also to state to whom the disbursements have been made, and for what purpose, which reports shall be noted on the records and filed in the clerk's office of the county.

SEC. 9. That when the seminary fund shall have accumulated sufficiently for the purpose, after erecting suitable buildings and furnishing the same, the said trustees may, if they think it necessary, appropriate such fund to the payment of teachers and necessary assistants, so as to reduce the price of tuition, or if practicable, make the

same a free school. SEC. 10. That each justice of the peace in said county shall, and is hereby required to deposite with the clerk of the Morgan circuit court, on the first day of the next term of the Morgan circuit court, a list, under seal, of all the fines by him assessed and collected, and by his predecessor in office for five years preceding that time, naming the parties and the amount assessed in each case; also the amount of fines, if any, collected and remaining in his hands, and the amount of fines on his docket, which are replevied, or not collected, stating the names of the parties and the amount in each case assessed, and directed to the secretary of the board of trustees, of the Morgan county seminary. And each justice shall in like manner, on the first day of each circuit court thereafter, deposit with the said clerk, and directed to the said secretary, a list of all the fines by him assessed during the six months preceding, naming the parties and the amount in each case; and it is hereby made the duty of the said clerk to deliver said list to the said secretary, within ten days after he shall have received them, and should the said clerk or any justice of the peace fail to perform the duty here required of him, he shall forfeit and pay to the State of Indiana the sum of fifty dollars for each offence, to be recovered by indictment.

Sec. 11. All laws coming within the purview of this act are here-

by repealed.

This act to be in force from and after its passage.

# CHAPTER LII.

AN ACT to incorporate the Greenville Seminary, in Floyd county.

APPROVED, FEBRUARY, 1, 1838.

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That George Sease, Benjamin Newland, Julius R. Porter, Jesse Crim, Reuben C. Smith, John D. Daniels, Barton Lucas, Jacob Clark and William Williams, and their successors in office, be, and they are hereby constituted a body corporate and politic by the name and style of the Greenville Seminary, and by that name and style shall have perpetual succession with full powers to contract and be contracted with, sue and be sued, plead and be impleaded in their corporate name in any court of law or equity in the United States, and shall have power to receive any subscriptions, gifts, grants, donations, and bequests, for the sole use and benefit of said seminary; to elect all officers, instructors, and agents which they may deem necessary for the benefit of said institution, to make, ordain, establish, and execute such by-laws, rules, and ordinances not incompatible with the constitution and laws of the United States or the state of Indiana, as they shall deem necessary for the well being of said institution and in furtherance thereof to do all the acts necessary to be done for the promotion of the seminary aforesaid.

SEC. 2. The said trustees shall meet in the town of Greenville, at such time and place as a majority of them shall appoint and elect from their own body a president and secretary; they shall also elect one treasurer, who shall not be chosen from their own body; each to continue in office during the pleasure of said trustees, who shall have power to remove them or either of them from office and fill their va-

cancies at any time.

SEC. 3. The treasurer elect, before entering on the duties of his office, shall execute an acknowledged bond with approved security, payable to said trustees or their successors in office, in a penal sum not exceeding double the amount of funds which shall come into his hands during his continuance in office, for the faithful performance of the duties of his office.

SEC. 4. No money shall be paid by the treasurer without an order from the trustees, attested by the secretary of said board, and which shall

have been recorded on the books of said trustees.

SEC. 5. Said trustees shall furnish a suitable book or books in which the said secretary shall record all their proceedings, and each day's proceedings shall be read over in the hearing of the trustees, and after correction, if necessary, the record shall be signed by the president and attested by the secretary.

SEC. 6. The board of trustees are authorized and empowered to purchase and procure a conveyance to them as such body corporate, a suitable site, in or adjacent to the town of Greenville, for the purpose of erecting thereon a suitable building or buildings for the use of said

seminary, and to keep the same in good order and repair.

SEC. 7. Said trustees shall meet as often as they may deem necessary; a majority of the whole number shall be necessary to form a quorum to transact business; and a majority of those present at any meeting shall determine any question before them: Provided, in all cases, when a meeting is holden otherwise than on an adjournment, it shall be the duty of the president of said board to give, or cause to be given one day's notice of such meeting to each member of the board, which notice shall include the time and place.

SEC. 8. The said trustees, secretary, and treasurer shall severally take an oath or affirmation before any person legally authorized to administer oaths for the faithful performance of their respective duties.

SEC. 9. That no religious tenets shall ever be taught, which would have a tendency to attach the students to any particular sect, whether directly or indirectly, by any officer, or tutor having connection with the said seminary; nor shall any thing derogatory to the christian religion ever be taught in said seminary.

SEC. 10. An election of trustees by the subscribers and donors to said institution shall be annually held in the town of Greenville: Provided, that the trustees appointed by this act be classed by lot into three classes, the term of service of the third class shall expire at the first election, the term of service of the second class shall expire at the second election and the term of service of the first class shall terminate at the third election; the first election shall be holden within one year from the publication of this act, and annually thereafter according to the classification in this section set forth, and the trustees aforesaid shall hold their office until their successors shall be duly elected and qualified.

SEC. 11. This act shall take effect and be in force from and after

its passage.

#### CHAPTER LIII.

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AN ACT to incorporate the Jeffersonville Savings Institution.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That Nathaniel Field, Nicholas Kerns, Andrew Fite, J. G. Reed, T. H. Cavanaugh, J. N. Griffith, W. Leviston, W. Steel, A. Wisotzkey, C. Peaceley, M. C. Pile, Robert Stewart, J. E. McClellan Dan, Trotter, Thomas Wilson, John D. Shryer, A. H. Patterson, J. C. Persely, and their associates, and all and every person or persons hereinafter becoming members of the Jeffersonville savings institution, in the like manner hereinafter mentioned, shall be, and are hereby created and made a body politic and corporate, by the name and style of the "Jeffersonville Savings Institution," and by that name shall have perpetual succession, and be capable by law, to hold and dispose of property, to sue and be sued, plead and be impleaded, answer and defend, and be answered and defended, in courts of law and equity, or in any other place whatever; and to receive and make all deeds, transfers, contracts, covenants, conveyances, and grants whatsoever; and to make, have, and use a common seal, and the same to change and renew at pleasure; and generally to do every other act or thing necessary to carry into effect the provisions of this act, and to promote the object and design of said corporation: Provided, however, That after the first election, hereinafter provided for, should any of the persons herein named declined to be members, by not dispositing money in this institution agreeable to the by-laws thereof, they shall cease to be members of the corporation, and the president and directors shall fill such

vacancy or vacancies by such person or persons as will become depositors therein.

SEC. 2. Be it further enacted, That there shall be a meeting of the members of said Jeffersonville savings institution, on such day in the month of March next, and at such place as the five persons first named in this act, who are hereby empowered, or any three of them shall appoint, notice of such meeting being given in one or more papers printed in Jeffersonville, or the next nearest thereto at least ten days previous to such meeting. And at such place, and on such day in the month of March, annually thereafter, as the by-laws shall provide for the purpose of choosing from among the members of the institution. seven directors who shall choose a president from their own body, no member in any case having more than one vote, to manage the affairs of said institution for twelve months thereafter, and until a new election shall take place, and the five members first named shall be judges of the first election for directors; and the judge of all future elections shall be appointed, and notice of such election given in such manner as the by laws shall provide. And in case of the death, resignation, or vacancy from any other cause in said board of directors, the remaining directors shall shall fill the vacancy or vacancies from the members of said corporation for the unexpired term or terms of the director or directors, whose seat or seats have been vacated; and if the election should from any cause not be made on the day designated, this corporation shall not from that cause be dissolved, but the directors then in office shall, by the same notice, appoint another day for holding said election.

SEC. 3. Be it further enacted, That the president and directors, for the time being, or a majority of them, shall appoint all such officers, agents, and servants, as they shall deem necessary to conduct or execute, the business and affairs of the institution, fix their compensation, and in their discretion to dismiss them, provide for the taking bonds to the corporation, from all or any of their officers, agents or servants, by them so appointed, with security so conditioned in such form, as they shall prescribe for the faithful execution of their several duties, and to secure the corporation from loss, regulate the manner of making and receiving deposits, the form of certificates, or shares to be issued to depositors, and the manner of transfering the same; provide for the investment of the funds of the corporation in such manner as they shall deem most safe and beneficial; provide for paying all necessary expenses in conducting the affairs of the corporation, and generally shall pass all such by-laws as shall be necessary to the exercise of said powers, and of the other powers vested in said corporation by this charter; and the said by-laws, from time to time to alter and repeal: Provided, That all such by-laws, as shall be made by the directors, may be altered or repealed by a majority of the members assembled at any annual meeting or at any general meeting, called in pursuance of any by-law made for that purpose; and a majority of the members may at any annual or general meeting pass by-laws, which shall be binding

upon the board of directors: Provided, That all by-laws shall not be contrary to the laws of this State, or of the United States.

SEC. 4. Be it further enacted, That said corporation shall be capable of receiving from any person, any deposite or deposites of money, and that all moneys so received, shall be invested in public stocks or other securities, at the discretion of the directors and in the manner deemed most safe and beneficial: Provided, always, that such investment of the funds of the corporation, shall be in the manner provided by the by-laws, and that no director or member shall be liable in his person or property, for any debt, contracts or engagements of the said corporation; but that the money, property, rights and credits of said corporation and nothing more, shall be liable for the same: Provided, alsa, that no part of the funds of said corporation shall be loaned to

any treasurer or other officer of said corporation.

SEC. 5. Be it further enacted, That it shall be the duty of the directors, at least once every six months, to appoint from the members of said corporation, three competent persons as a committee of examination, which committee shall appoint three persons from the depositors (who are not voting members) in said institution, which two committees so appointed, shall investigate the affairs of said corporation, and make and publish a report thereof, in one or more newspapers printed in the town of Jeffersonville, or the next nearest thereto, and at any time it shall be required by a majority of the members of said corporation there shall be as aforesaid, an examination and report of the condition of said institution, and it shall be the duty of the board of directors on the first Monday in July and the first Monday in January in each and every year, to make and declare a dividend of the interests and profits of said corporation, after paying its expenses, and the same to pay over to the stockholders and depositors, or their legal representatives, within thirty days thereafter.

SEC. 6. Be it further enacted, That all bills and notes at any time discounted, or made payable to said institution, having the words "without defalcation," embodied in it or them, shall be put upon the same footing as foreign bills of exchange; and said institution is to calculate and charge interest according to the rules laid down in Rowlet's Tables, and as is usual on discounted notes, any law, custom, or usage to the contrary notwithstanding: Provided, there shall be no damage on any such bills or promissory notes discounted by said institution, and they shall have no greater dignity or priority of payment in a regular course of administration than any other bills or promisory notes.

Sec. 7. Be it further enacted, That said institution may receive deposites from minors, the consent of such minors' parents, guardians, or masters being given thereto in writing, but shall not pay such deposits over to such minors nor any part of the interest accruing thereon until such minor shall have obtained the full age, if male of twenty-one years, if female of eighteen years, unless the parents, guardians, or masters of such minors consent thereto in writing.

SEC. 8. Be it further enacted, That this corporation shall not make

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or issue notes or bills of credit, but they may if found necessary, deal in bills of exchange and draw for funds transferred to them, or in any manner to their credits, in any place whatever out of the town of Jeffersonville; but shall in no event exercise any banking privileges except as herein granted and provided for.

SEC. 9. Be it further enacted, That should any person or persons, body politic or corporate, make any deposit or deposits, of money or bank notes, or any other valuable thing, in the office of this institution on the terms and conditions that shall be published by the officers thereof, and under the conditions of said deposit draw for the same, and be refused repayment thereof or be unnecessarily delayed in receiving his or their money, the institution shall forfeit and pay to any such depositor, damages at the rate of ten per centum per annum, for the delay occasioned, to be recovered by an action to be brought at the next term of the circuit court of Clark county, after such delay or refusal to pay; and should the said corporation at any time fail to repay the deposits made with them, this act shall cease and determine; and on the same being satisfactorily proved to the circuit court of Clark county, the judges of said court shall appoint commissioners to take possession of the estate and effects of said corporation, and to divide the same among the creditors thereof in equal proportions to their

SEC. 10. Be it further enacted, That in the event of any member or members (or person or persons, who may hereafter become, members of this institution,) becoming owners of so many of the original five hundred shares of stock (hereby incorporated) by purchase or otherwise, as to reduce the voting members below one hundred, it shall be the duty of the directors, for the time being, to cause certificate or certificates of membership, to a weekly depositor or depositors, in said institution, creating them voting members of this corporation, in order that the voting members may always be kept at the number of one hundred: Provided always, that there are a sufficient number of depositors in said institution to make up the number of one hundred voters.

This charter shall continue for and during and until the expiration of the year one thousand eight hundred and sixty-eight, and no longer. Sec. 11. That the state of Indiana, reserving hereby the right to amend or repeal this act whenever the interests of the state may require.

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# CHAPTER LIV.

AN ACT supplementary to an act entitled "an act to incorporate the Jeffersonville Insurance Company."

# [APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the Jeffersonville Insurance Company be, and the same is hereby made an office of discount and deposit, and is hereby authorized to deal in exchange and the discount of promissory notes, and to receive cash and bank bills of any incorporated bank on deposit for such time and on such interest as may be agreed on, and to discount or loan the same or any part thereof upon the same conditions the said company is authorized to loan their capital stock or any part thereof. Provided however, that all deposits made in said office, shall be refunded and paid by said corporation on demand in specie or its equivalent, except where specie deposits are made, which shall be refunded and paid as agreed upon: And provided also, that it shall not be lawful for said corporation to issue or emit any receipt of deposit or other evidence of debt or credit as a circulating medium of trade or exchange.

SEC. 2. That in all cases where said company shall refuse to pay deposits made in said office on demand, the amount of the same shall be recovered by motion or suit in any court of competent jurisdiction, ten days previous notice of such motion, if before the circuit court, and three days notice if before a justice of the peace having been given; and upon judgment rendered thereon, and upon all other judgments against said corporation for deposits, shall be allowed twelve per cent. damages, and interest after the rate of six per cent. per annum from the date of such legal demand, and upon such judgment there shall be no stay of execution.

SEC. 3. That it shall be sufficient service of process on the said corporation to execute the writ or notice on the president or secretary and a majority of the directors for the time being; and such service shall authorize judgment or proceeding by default against the corporation without appearance or plea by the corporation, in the same manner that judgments or proceedings are taken by default against individual persons or the execution of process.

SEC. 4. This act shall be in force from and after its passage and publication in the Jeffersonville Courier, and shall be deemed and taken to be a public act.

# CHAPTER LV.

AN ACT to incorporate the Paoli Savings Institution.

# [APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That William A. Bowles, Alexander Morris, Robert McGrew, Joseph A. Gray, William Crage, James Dillard, Thomas V. Thornton, Abrasame are hereby created a body politic and corporate, by the name and style of the "Paoli Savings Institution," with power to fill all vacancies fy, and with all and like privileges, benefits and immunities as are securan act of the general assembly, approved February 1st, 1836, and subject to all the restrictions and limitations as provided for by the charter Third Cavings Institution.

This act to take effect and be in force from and after its passage.

# CHAPTER LVI.

AN ACT to incorporate the Trustees of the Laporte University.

# [APPROVED FEBRUARY 17, 1838.]

Be it enacted by the General Assembly of the State of Indiana, That John Brown, G. A. Rose, Thomas D. Lemon, William Allen, William Patterson, Amaziah Clark, John M. Lemon, John B. Niles, Joseph Orr, Guffin Treadway, Ed. A. Hannegan and Aaron Staunton and their successors in office be, and they are hereby constituted and declared to be a body corporate and politic, by the name and style of the "Laporte University," and are hereby granted all such rights, privileges and immunities as are granted by "an act entitled an act to incorporate the trustees of the Western University," approved January 21, 1837, to the persons therein named and upon the conditions therein expressed.

#### CHAPTER LVII.

AN ACT to amend an act entitled an act to incorporate the President and Trustees of the Rush county Seminary, approved February 1st, 1836.

# [APPROVED FEBRUARY 17, 1838.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the president and trustees of the Rush county Seminary, be, and they are hereby authorized to demand, receive, and appropriate all the seminary funds of said county as are now, or may be on hands at any time, on or before the first day of August, eighteen hundred and thirty-eight, for the purpose of enabling the president and trustees of said Rush county seminary, to accomplish the objects contemplated by the act to which this is an amendment: Provided however, that if the said seminary funds, which are now, or may be on hand at any time prior to the first day of August, eighteen hundred and thirty-eight, shall be sufficient to erect the building contemplated by the act to which this is an amendment; then said president and trustees shall not demand, receive and appropriate said fund or any part thereof, to the above purpose.

SEC. 2. That those portions of the first and third sections of the act to which this is an amendment, which come in contact with the provisions of this act be and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

#### CHAPTER LVIII.

AN ACT to repeal the 8th, 9th, and 10th sections of an act, entitled, An Act to incorporate the Clay County Seminary Trustees, approved Feb. 2, 1837.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the 8th, 9th, and 10th sections of an act entitled, an act to incorporate the Clay county seminary trustees, approved February 2, 1837, be and the same are repealed.

This act to take effect and be in force from and after its passage.

# CHAPTER LIX.

AN ACT to amend an act, entitled, An Act to incorporate the Mount Carmel and New Albany Rail Road Company, approved Feb. 4, 1837.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the fifth section of the act to which this is amendatory, be, and

SEC. 2. Be it further enacted, That hereafter a majority of the board of directors shall constitute a quorum to do business.

This act to take effect and be in force from and after its passage.

# CHAPTER LX.

AN ACT for the promotion of Schools and Education in Clark's Grant.

# [APPROVED, FEBRUARY 15, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the board doing county business in the county of Clarke, at their next, or some subsequent session after the publication of this act, to call a meeting of the qualified voters of Clark's Grant, by posting up notices thereof in writing, in three of the most public places in the several school districts in said Grant, at least twenty days prior to the time of said meeting, to be held at the usual places of holding township elections in said Grant, for the purpose of electing, by ballot, one school commissioner for said Grant, who shall be a freeholder of the same; also to determine by vote, whether they will sell or not sell, six and a half sections of land, or any part thereof, which was granted to said Grant, for school purposes by an act of Congress, approved the seventh day of May, 1822, which election shall be conducted in the same manner, as is directed by law, regulating the election of State and county officers.

SEC. 2. The electors at the election aforesaid, who favor a sale of the aforesaid land or lands, shall write upon their ballot for commissioner, "sale," and those opposed to such sale shall write upon their ballot "no sale," and it shall be the duty of the several clerks of such election, to meet on the third day thereafter, at the clerk's office of the circuit court, and compare the several returns of said election, and the person receiving the highest number of votes, shall be declared

duly elected as such commissioner, who shall hold his office for the term of three years, and until his successor is elected and qualified: said commissioner before entering upon the duties of his office shall give a bond payable to the State of Indiana, for the use of the district schools in Clark's Grant, in the penalty of fourteen thousand dollars, with at least seven freehold securities, to be approved of by the board doing county business of said county of Clark, conditioned for the faithful discharge of the duties of his office, and for paying over to his successor in office all moneys that may come into his hands by virtue thereof, which shall be filed and recorded in the recorder's office of the county aforesaid; he shall also take an oath or affirmation for the faithful execution of his duties; said commissioner shall receive all moneys accruing from the sale of school lands donated to Clark's Grant as interest or principal, or all moneys arising to said Grant for school purposes, from any source whatever, and shall have full power to do and perform all things that the trustees for the promotion of schools and education in Clark's Grant had power to do.

SEC. 3. Said commissioner shall keep his office at the county seat of the county of Clark, and may appoint one or more deputies, removable at pleasure, who shall be authorized to perform any of the duties of said commissioner, who and whose securities shall be responsible for

the acts of such deputy or deputies.

SEC. 4. Suit may be brought on said bond in the name of the State of Indiana, for the use of the district schools in Clark's Grant, by any person or persons injured by reason of any breach of the same by such commissioner, and further suit or suits may be brought thereon for any other or subsequent breach to the injury of any other person or persons.

Sec. 5. And should a majority of the qualified voters as aforesaid, be in favor of selling said land as aforesaid, the clerks of the aforesaid election shall certify the same to the clerk of the Clark circuit court, at the same time they return the result of the election for the aforesaid commissioner, whose duty it shall be forthwith to certify the same to

the commissioner as aforesaid.

SEC. 6. Said commissioner upon receiving the certificate as aforesaid, shall thereupon proceed to the county or counties where such land is situate, and shall thereupon, if he deem it necessary, divide the land or lands so voted to be sold, into such lots as will best suit purchasers, and ensure the best price therefor; he shall also be empowered to take to his assistance two disinterested freeholders of such county where any of such lands shall be situate, and after administering to them an oath or affirmation, as the case may be, which said commissioner is hereby authorized to administer, faithfully and impartially to value said land or lands as aforesaid, they shall forthwith proceed to value and fix a minimum price to each lot, below which the same shall not be sold.

SEC. 7. Such minimum price shall in no case be less than one dollar and twenty-five cents per acre.

SEC. 8. Said commissioner shall forthwith record such appraise. ment of lots, and such divisions, if made, at full length, in a good and sufficient book procured for that purpose.

SEC. 9. The commissioner shall thereupon proceed to sell lots separately at public auction to the highest bidder, at such times and places as he may think most conducive to the interest of said fund, after having given at least sixty day's notice of the time and place of such sale, by posting up notices thereof in three of the most public places in the township where the land is situate, at the court house door, and such other places as he may think proper; also by advertising the same in one of the public newspapers printed at Indianapolis: Provided, however, That if the aforesaid lands or any part thereof, shall be sold on a credit, there shall in all cases be at least one fourth of the purchase money paid down, and the purchaser shall pay on the residue, whatsoever the same may be, ten per centum per annum in advance, and deposit all such interest and principal, that may become due after the first payment, in the branch of the State Bank at Indianapolis, within twenty days after the same shall become due, payable to the order of the common school commissioner of Clark's Grant, at the branch of the State Bank at New Albany; and a failure to pay either said principal or interest as aforesaid, shall be a forfeiture of all moneys and interest before paid by such purchaser, and the title of said land shall be again vested in the school fund of Clark's Grant, and liable to the immediate use and disposal of the same.

SEC. 10. Said commissioner shall hold any sale made by him under the provisions of this act, at the court house in said county, where any of said lands may be situate, between the hours of twelve o'clock, M. and six o'clock, P. M., and may adjourn from day to day, until the

SEC. 11. Should any of said lands remain unsold, after having been offered for sale under the provisions of this act, the commissioner may, and he is hereby required to sell the same for the best price that can be had, not to be less than the minimum price thereof, so fixed by the

SEC. 12. Said commissioner shall record every such sale in his book, setting forth the tract sold, where, to whom, and for what amount, and deliver a certified copy thereof, under his hand, to the recorder of the county of Clark, within twenty days thereafter, who shall record the same, and certify a copy thereof to the board doing county

SEC. 13. Every purchaser at such sale shall pay at the time thereof to the commissioner one fourth of the principal, and legal interest on the residue for one year in advance.

SEC. 14. Such residue shall be paid by the purchaser, to said commissioner or his successor in office, within ten years from the time of sale, the legal interest on which shall be paid annually in advance.

SEC. 15. If any person shall forfeit any lands sold under the provisions of this act, he shall be liable for any damages he may have committed thereon, by the unnecessary waste or injury of timber or otherwise, to be sued for and recovered in the name of the state of Indiana, for the use of the district schools in Clark's Grant.

SEC. 16. Should there be any such forfeiture, the commissioner shall forthwith proceed to sell the lands so forfeited, subject to the same regulations as is provided for the first sale by the ninth section of this

act.

SEC. 17. Said commissioner, on receiving the first payment on any lands sold as aforesaid, shall give the purchaser a certificate of such sale, in substance as follows: A B having on this day of chased the [here describe the land sold,] being part of the school lands donated by an act of Congress, approved May 7th, 1832, for the use of schools in Clark's Grant, being part of section number [north range number feast or or south as the case may be,] in town county of Indiana, for the sum of west as the case may be in cents, of which he has paid dollars and dollars and being one fourth part of such purchase money, and one year's interest, dollars and

in advance, on the residue of the principal, which is cents, and payable in ten years from this date, together with ten per centum interest thereon annually, in advance; and if full payment of said principal and interest be made within ten years from this date, then the said A B, his assigns or representatives, shall be entitled to a deed in fee simple for said tract, in the name of the inhabitants of Clark's Grant; but on failure to pay said interest for any year, or the residue of said principal for sixty days after either becomes due, the said tract, and all payments therefore made thereon, and this contract of sale shall be forfeited, and revert to said grant for school purposes. Witness my hand and seal this day of Commissioner. 18

SEC. 18. Any person bidding off any tract of land, at any sale made under the provision of this act, or the act to which this is an amendment, and failing at the time to make the first payment above required, shall be liable to pay ten per centum on the sum so bid, to be recovered by said commissioner in action of debt, before a justice of the peace or in the circuit court as the case may require, from the amount demanded, in the name of the state of Indiana, for the use of the distirct school in Clark's Grant, and the said commissioner, his deputy, or agent, shall be a competent witness in such action.

SEC. 91. Every purchaser of any school lands, under the provisions of this act, holding a certificate of sale therefor as aforesaid, shall have the right of possession thereof, unless he shall forfeit the same as aforesaid, or unless the same be held by a prior unexpired lease, the

lessee not consenting thereto.

SEC. 21. Upon full payment of principal and interest for any tract of school land so sold, as herein required, the commissioner shall execute a deed of conveyance therefor to the purchaser, his heirs or assigns, in the name of the inhabitants of Clark's Grant.

Sec. 21. Should such purchase money be paid before the same is

due, with all interest then due thereon, such deed may be required forthwith, but no discount shall be made for such prompt payment.

Sec. 22. Such deed, when executed, shall vest in the purchaser, his heirs, or assigns forever, all the right, title, and interest of the inhabitants of Clark's Grant in such land.

Sec. 23. No assignment of any certificate for land sold under the provisions of this act, shall be recognized by said commissioner, unless the same be acknowledged before him or some other officer of this state, duly authorized by law to take acknowledgements of deeds.

SEC. 24. Said commissioner shall keep a separate account of the fund belonging to the inhabitants of Clark's Grant, and of his transactions in relation to the same, and in keeping said account he shall distinguish such sums as are received as principal and such as interest, also any moneys arising from any source for school purposes in said Grant, he shall distinctly set forth from what source and what school district in said Grant, such sum or sums were so recovered.

SEC. 25. Said commissioner shall be entitled to demand, sue for, recover and receive all moneys arising from the sale of all school lands sold under the provisions of this act, whether interest or principal, and shall annually, at the first session of the board doing county business for the county of Clark, lay an account thereof before the same, specifying from whom, and on what account received, and if loaned, to whom, on what security, for what rate of interest, for how long a term, and the balance due; which report the clerk of said board shall

SEC. 26. Any commissioner, acting under the provisions of this act, shall be liable to removal from office by the board doing county business for the county of Clark, upon failure to give such additional security as said board may at any time require, or upon conviction by indictment, for any mal-conduct in office, or on account of incapa-

Sec. 27. When any vacancy occurs in the office of any commissioner hereafter elected or appointed under the provisions of this act by death, removal, resignation, expiration of the term of office, or otherwise, the same shall be filled on the first Monday in October thereafter, by the qualified voters of said Grant, subject to the same provisions and regulations as is provided in the first section of this act, and in the interim such vacancy shall be filled by a qualified person, to be appointed by the board doing county business for said county of

SEC. 28. The county treasurer of Clark county may be elected or appointed to the office of school commissioner of said Grant without resigning his office as treasurer, subject to the provisions of this

SEC. 29. It shall be the duty of said commissioner to loan all moneys arising for school purposes under the provisions of this act, as fast as it shall come to his hands, at an interest of not less than six per cent. per annum, payable in advance, and for a term not less than one, nor more than three years: said commissioner shall be regulated in

oaning and receiving security, and liable to the same forseitures and penalties as commissioners are by the act incorporating congressional townships, and providing for public schools therein, approved Februarv 2, 1833.

SEC. 30. It shall be the duty of the board doing county business for Clark county, at the same time they order the election for the commissioner, to direct the sheriff of said county to notify the qualified

voters as is prescribed by the first section of this act.

SEC. 31. And be it further enacted, That the inhabitants of the seseveral school districts, which districts are hereby denominated school townships, as laid off by the order of the Clark circuit court, under "an act to establish a board of trustees for the promotion of schools and education in Clark's Grant," approved January 28, 1834; also, by "an act to amend the above act," approved February 7, 1825, and known on the records of said circuit court by numbers one, two, three, four, five, six and seven, shall each hereafter be, and it is hereby constituted and declared a body corporate and politic by the name and style of "The inhabitants of school township number [one, two, three, four, five, six, and seven, as the number may be,] of Clark's Grant," and in such corporate name and capacity may sue and be sued, plead and be impleaded.

Sec. 32. It is hereby made the duty of the commissioner acting under the provisions of this act, to call on the clerk or any other person or persons who may have the possession of any books or papers belonging to the board of trustees for the promotion of schools and education in Clark's Grant for said books and papers, whose duty it shall be forthwith upon such application, to deliver the same to said commissioner.

SEC. 33. It shall be the duty of the board doing county business in the county of Clark, at the next or some subsequent session after the electing of a school commissioner under the provisions of this act, or as soon as they deem it necessary, to call a meeting of the qualified voters of the several school townships in Clark's Grant, by posting up notices thereof in writing in three of the most public places in each school township, at least twenty days prior to the time of said meeting to be as near the centre of each school township as may be convenient, for the purpose of electing by ballot three trustees in each such township, who shall be freeholders or householders of the same; they shall also at the same time appoint an inspector for each school township of such elections, enter the same of record, and in due time forward a certified copy of such appointment to each one so appointed.

Sec. 34. Should such inspector, so appointed, fail to attend at nine o'clock, A. M. on the day of such election; or, attending, fail to qualify or act as such, then, a majority of the voters present shall appoint an inspector in his place. The time and manner of opening, conducting, and closing the elections held under the preceding section, and the mode of appointing the judges and clerks thereof, and the several duties, penalties and liabilities appertaining to them and the said voters,

severally and collectively, shall be the same as are prescribed by law regulating general elections.

SEC. 35. Said judges and clerks shall, within seven days after such election, certify to the school commissioner of Clark's Grant, under their hands, the number of votes given; also deliver to him a list of voters and tally papers had at such election, to be by him filed in his office.

SEC. 36. Said commissioner shall forthwith enter every such certificate in his record book, and shall thereupon give a certified copy thereof under his hand to each of the three persons entitled to receive the same as aforesaid, specifying therein the term of service of the holder thereof, as is provided for the election of trustees under the "act incorporating congressional townships and providing for public schools

therein," approved February 2, 1833.

SEC. 37. Said trustees when so elected as aforesaid, shall be qualified in the same manner, have the same powers, and be governed by the same rules and regulations, and be liable to the same penalties and forfeitures, and shall have full and complete power and control to draw all school funds belonging to their respective school townships, in equal proportion to each school township, whether arising from interest or any other source, to the inhabitants of Clark's Grant for school purposes, and shall be required to do and perform all things in regard to organizing and regulating their district schools, that the trustees have under the "act incorporating congressional townships and providing for public schools therein," approved February 2, 1833: Provided however, that nothing in this section shall be so construed as to give said trustees power or control over said commissioner in relation to the sale or management of the school lands belonging to Clark's Grant.

SEC. 38. It is hereby made the duty of the school commissioner acting under the provisions of this act, upon the application or petition of five qualified voters of any congressional township in Clark county, setting forth that it would be to the interest of such township to have school trustees elected; also to sell any school lands that may remain unsold in such township; upon receiving such notice, he shall forthwith give public notice of such application, and order an election to be held in such township; which election shall be conducted in the same manner and under the same restrictions and regulations as are provided for the election of trustees and sale of school lands by the act incorporating congressional townships and providing for public schools therein, ap-

proved February 2, 1833.

SEC. 39. Said trustees when so elected shall be qualified in the same manner, have the same powers, and be governed under the same rules, regulations and restrictions as are the trustees elected under the "act incorporating congressional townships and providing for public schools therein," approved February 2, 1833.

SEC. 40. The trustees of any school township, acting under the provisions of this act, shall so soon as convenient and practicable, proceed to divide the same into districts, each of such size and limits as

will be most convenient for the support of a common school therein

SEC. 41. Any school district, laid off as provided by the preceding for the use of all its inhabitants. section on petition of a majority of its voters may, by the township trustees at any time, be subdivided or otherwise changed in its size or lim-

SEC. 42. The school districts shall collectively include all the terits as convenience may require. ritory in the township, and an accurate description of each regularly numbered, shall be recorded by the clerk of the trustees of the school

Sec. 43. The qualified voters of each district shall, on the first township in his book. Saturday of October annually, elect three district trustees thereof; which election shall be made and conducted as is prescribed by the 137th and 138th sections of the "act incorporating congressional townships and providing for public schools therein," approved February 2,

SEC. 44. The district trustees when elected, as provided by the last preceding section, shall be qualified in the same manner, hold their office for the same length of time, shall appoint their own clerks and treasurers, and shall do and perform any and all things in relation to the management and good government of the district schools, and shall receive the same compensation and be liable to the same forfeitures and penalties as are the treasurers, clerks and trustees, acting

under the provisions of the last named act. SEC. 45. After the inhabitants of any district have completed their school house, as is contemplated by this act, and wish to employ a teacher for such district, the district trustees shall employ such teacher under the same regulations and restrictions, as trustees are required to employ teachers under the last named act; who shall have the same qualifications and be required to do and perform all the duties for the good government of their schools, as are the teachers employed under the "act incorporating congressional townships and providing for pub-

lic schools therein," approved February 2, 1833. SEC. 46. Every teacher employed under the provisions of this act, shall be required to keep a daily entry af every person entitled to a distribution share of the school fund sending to his or her name the number of pupils by him or her sent each day during the year next preceding the day of distribution of such fund by the township treasurer, with the sum total, accurately calculated at the foot thereof.

SEC. 47. Such lists or accounts of pupils sent to school, shall be laid before the treasurer of the school township before the day fixed for distribution of funds, verified, who shall calculate the aggregate amount or number contained in every list presented, counting each pupil's attendance for each day as one.

SEC. 48. The township treasurer shall, within ten days thereafter, make an accurate return to the school commissioner of each aggregate

SEC. 49. Such commissioner shall thereupon pay over to each amount of tuition. township treasurer, presenting such list or account of the aggregate amount as aforesaid, so much of the school funds in his hands for distribution, as the amount of the list of such township bears direct proportion to the aggregate calculation of all the lists or accounts so presented by all the treasurers of the school townships.

SEC. 50. The township treasurer shall thereupon pay over to each district treasurer presenting such list or account, so much of such school funds in his hands for distribution among the inhabitants of his township, as the aggregate calculation of the list or account of such district treasurer bears direct proportion to the aggregate calculation of all the lists or accounts so presented to such township treasurer, taking a

SEC. 51. Said treasurer shall record such receipt in his books, and file away the same in his office.

SEC. 52. The district treasurer shall distribute the funds received as above, as well as any other district school funds in his hands, in due proportion to such aggregate calculation, as is provided by the last named act for the distribution of school funds.

SEC. 53. It is hereby made the duty of every person or persons, acting under the provisions of this act, when their duties are not specifically set forth in this act or the act to which this is an amendment, they shall then be governed by the act incorporating congressional townships and providing for public schools therein, approved February 2d, 1833, so far as the same may be applicable.

SEC. 54. It shall be lawful for the qualified electors of any congressional township, after the electing of school trustees, as provided by the 38th section of this act, to vote for school commissioner of Clark's Grant, under the same regulations and restrictions as are required by the first section of this act.

Sec. 55. It shall be the duty of the school commissioner elected under the authority of this act, to ascertain whether lands have been selected for fractional townships in the county of Clark under the provisions of the act of Congress, entitled "an act to appropriate lands for the use of schools in certain townships and fractional townships not before provided for," approved May 28, 1826; and if no such selections have been made, said commissioner shall request the secretary of the treasury of the United States, to cause selections to be made as pro-

SEC. 56. Fractional townships in the county of Clark, shall have the same privileges and be governed in the same manner as in this act

provided for the management of congressional townships.

SEC. 57. It shall be the duty of the clerk of the circuit court of Clark county, to make out and deliver to the aforesaid commissioner of Clark's Grant, a certified copy of the delinquent lists of land and lots returned by the collectors of said county to the heard of commissioners of said county for the years 1833, 1834, and 1835, together with a correct list of all the lands and lots which have been redeemed in that time, and previous to the 1st day of December 1835, stating particularly, the time when such lands were returned, the amount of tax due, when redeemed, together with the separate amount of the per-

centage and interest which were due when the said lands and lots were redeemed. And the said commissioner shall make his returns to the treasurer of state and prosecuting attorney of his judicial district, from such certified copy, and shall not be liable for any errors in his returns: Provided, they shall have originated in the certified copy of the clerk of the circuit court, as delivered by him to said commissioners.

SEC. 58. It shall be the duty of the common school commissioner of Clark's Grant, immediately after the passage of this act, forthwith to call a meeting of the qualified voters of each of the congressional townships and fractional townships within Clark county, by posting up written notices thereof, at three or more public places in each township, at least twenty days prior to the time of such meeting, to be held as near the centre of each township as may be convenient, so far as the same is within the boundaries of said county, for the purpose of electing three trustees in each township or fractional township, who shall be householders or freeholders of the same; and also to determine what disposition shall be made of the school lands which remain unsold, whether set apart or donated by Congress for school purposes in their respective townships.

SEC. 59. It shall be the further duty of the said commissioner to appoint an inspector, in and for each township or fractional township, enter the same on record in his office, at least ten days before the time appointed by such meetings, forward a certified copy of such appointment to each of the individuals so appointed; and the judges and clerks of such elections shall make such returns, and the commissioner aforesaid shall make such entries and give such certificates as are directed by the 35th and 36th sections of the act to which this act is an

amendment.

SEC. 60. The elections aforesaid shall be conducted in the same manner, under the same restrictions, and with the same regulations that are provided for the election of trustees by the act incorporating congressional townships and providing for public schools therein, approved February 2, 1833; and the said trustees, when so elected, shall be qualified in the same manner, have the same powers, be governed by the same regulations, liable to the same penalties, and be required to do all things in regard to the organizing of their district schools, as provided for the trustees, elected and serving under the provisions of the last named act, approved, January 6, 1837.

SEC. 61. Be it further enacted, That it shall be the duty of the school commissioner of Clark county, to keep separate and distinct accounts of all money which may come into his hands for the use of schools in Clark's Grant, as also for any congressional or fractional township in said county, and shall keep an account of services rendered, and expenses incurred on account of said grant, and each congressional township or fractional township, separate and distinct from each

other.

Sec. 62. Whenever any money arising from interest on the grant funds, shall come to the hand of said commissioner for distribution for the support of schools, it shall be the duty of such commissioner to set

apart one-seventh part thereof for the use of schools in each of the several districts heretofore laid off by the circuit court of Clark county, where the same is not applied in any one or more of said townships, it shall be the duty of said commissioner to loan the same on behalf of the proper district or township, or it may be paid over to the treasurer of the proper school township, to be by him loaned under the direction of the township trustees.

SEC. 63. The school commissioner shall submit his account for services rendered and expenses paid in attending to the duties of his office, to the board doing county business of Clark county, at least once in each year, and if said board on examining the same are satisfied with the justice thereof, they shall order their clerk to note the same on his order book, a copy of which order certified by said clerk, shall be a sufficient voucher for said school commissioner to enter the same on his books as a charge against the school fund of said grant, or the proper township as the case may require.

SEC. 64. Be it further enacted, That the notice given by the school commissioners of Clark's Grant, in the Indiana Journal on the tenth December, 1836, shall be as legal and valid in law as though it had been published sixty days as required by the nintth section of the act to amend "an act to establish a board of trustees for the promotion of schools and education in Clark's Grant," approved February 6th, 1835.

SEC. 65. That if the division lines of the present school townships of the said grant shall interfere with, and materially injure any school district, or neighborhood school heretofore formed, by the inhabitants of such neighborhood, on account of streams, vacant lands, or other local inconveniences, the circuit court of Clark county shall on petition of a majority of the inhabitants of such neighborhood, change and alter the boundaries of such townships; whenever the same shall appear to said court to be oppressive or burdensome to the said neighborhood, so as to relieve them of the difficulties of which they may complain.

SEC. 66. The common school commissioner of Clark county, in loaning the funds belonging to common schools in Clark's Grant, or any other funds which may come into his hands by virtue of his office as said common school commissioner, shall be governed in all respects by the 8th, 9th, 10th, and 11th sections of the act entitled an act to provide for distributing so much of the surplus revenue of the United States as the state of Indiana may be entitled to, and receive by virtue of an act of Congress, approved 23d June, 1836.

This act shall take effect and be in force from and after its passage.

# CHAPTER LXI.

AN ACT relative to County Boundaries.

[APPROVED FEBRUARY 17, 1838.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the district of country within the following boundaries, shall form and constitute the county of Swit Switzerland. zerland, to wit: Beginning at a point on the Ohio river, between fractional sections, numbered twenty-two and twenty-seven in town three, range one west; thence due west to the old Indian boundary; thence northwardly with said boundary line, to the line dividing sections thirty four and twenty-seven, in township six, range twelve; thence from said boundary line due west, to the north-west corner of section thirty-three, in township six, range twelve, east of the second principal meridian; thence south with the sectional line, between fractional sections, twenty and twenty-one, to the Ohio river, and thence with said river to the place of beginning.

SEC. 2. That the county of Dearborn shall be bound. Dearborn. ed as follows, to wit: On the south by the county of Switzerland, on the west by the old Indian boundary, on the north by the county of Franklin, and on the east by the

State of Ohio, and the Ohio river.

SEC. 3. That all that district of country included within the following boundaries, shall form and constitute the county of Franklin, to wit: Beginning at the corner of Franklin. townships seven and eight, on the line of the State of Ohio, thence due west to the northern boundary of the purchase of Grouse land; thence southwardly with said boundary, to the middle of range eleven; thence north to the line dividing twonships twelve and thirteen; thence east with said line, to the south-east corner of section thirty-three, in township thirteen, and range thirteen; thence north to the south line of Fayette; thence east to the boundary of Union county; thence with the southern boundary of the same, to the Ohio line, and south with said Ohio line to the place of beginning.

SEC. 4. That all that district of country, inclosed within the following boundaries, shall form and constitute the county of Union, to wit: Beginning at the south-west cor-Union. ner of section thirty-six, in township thirteen, range thirteen east of the second principal meridian; thence east with the section line, to the south-east corner of section thirteen, town ten, in range one west of the first principal meridian, being the line dividing the States of Ohio and

Indiana; thence north to the north-east corner of section twelve, in township twelve, of range one west of the principal meridian; thence west with the section line, to the north-west corner of section twenty-five, in township fifteen, in range thirteen, east of the second proncipal meridian; and thence south to the place of beginning.

SEC. 5. That all the district of country included within the following boundaries shall form and constitute the county of Ripley, to wit: Beginning at the south-east corner of section numbered thirty-one, in township six north, of range numbered ten east, being the south-east corner of Jennings county; thence north with the line of Jennings county, to the Indian boundary; thence north-eastwardly with said boundary, to the line of Franklin county; thence east with said line, to the old boundary line; thence southwardly with said old boundary, to a point thereon, one mile north of the line dividing townships five and six; thence from said point, due west, to the north-west corner of section thirty-three, in township six, in range twelve; thence one mile south, and thence due west to the place of begin-

Sec. 6. That all the territory included within the following boundaries, shall form and constitute the county of Randolph, to wit: Beginning at the Ohio State line, where the line dividing townships fifteen and sixteen strikes the same; thence west with the said township line, until it strikes the old Indian boundary; thence to, and with the centre line of township eighteen, to the north-west corner of section twenty, in township eighteen, and range twelve east of the second principal meridian; thence north to the line dividing townships twenty-one and twenty-two; thence east to the Ohio state line, and thence with said State line to the place of beginning.

SEC. 7. That all that part of the county of Delaware, included within the following boundaries, shall form and constitute the county of Rush, to wit: Beginning at the south-west corner of section twenty-seven, in township twelve north, of range eight east, of the second principal meridian; thence east eighteen miles, to the south-east corner of section twenty-eight, in township twelve north, of range eleven east; thence north to the line dividing townships fifteen and sixteen; thence west eighteen miles, to the north-west corner of section three, in township fifteen north, of range eight east; thence south to the place of

SEC. 8. That all the district of country included within the following boundaries shall constitute and form the county of Henry, to-wit: Beginning at the south-west corner of section thirty-two, township sixteen, north of range twelve east; thence north to the township line dividing towns sixteen and seventeen; thence east to the south east corner of section thirty-two; township seventeen, range twelve; thence north to the north east corner of section twenty, town eighteen, range twelve; thence west to the range line dividing eleven and twelve; thence north on said range line to the north east corner of section twentyfive, town nineteen, range eleven; thence west nineteen miles to the first section line west of the range line dividing ranges eight and nine; thence south on the same sectional line through the several townships to the south west corner of section thirty-six in town sixteen, range eight; thence east on the line dividing ranges fifteen and sixteen to the place of beginning.

SEC. 9. That all that district of country included within the following boundaries, shall form and constitute the county of Wayne, to-wit: Beginning at the south west Wayne. corner of section thirty-two, town sixteen north, range twelve east of the second pricipal meridian; thence north to the township line dividing towns sixteen and seventeen;

thence east to the south east corner of section thirty-two, township seventeen, range twelve; thence north to the north east corner of section twenty, town eighteen, range twelve; thence east to the state line; thence south with said line to the north east corner of section twelve, town twelve, range one west of the principal meridian; thence west twelve miles to the north west corner of section twenty-five, town fifteen, range thirteen [east] of the second principal meridian; thence south one mile; thence west with the section line, eight miles to the south west corner of section twenty-seven, town fifteen, range twelve east of the second principal meridian; thence north with the line dividing sections twenty-seven and twenty-eight, to the line dividing townships fifteen and sixteen; and thence west with said line to the place of beginning.

SEC. 10. That the territory included within the following boundaries, shall form and constitute the county of Jefferson: Beginning on the Ohio river at a point where an Jefferson. east and west line, dividing fractional section number twenty-nine, township two, north of range ten east would strike the same; thence west through the centre of said fraction twenty-nine, and sections thirty and twenty-five, to the east line of section twenty-six, township two, range nine; thence north one half mile to the south east corner of section twenty-three; thence west one mile to the south east corner of section twenty-two; thence north one mile to the north east corner of section twenty-two; thence west four miles to the south east corner of section therteen, township two, north of range eight east; thence north, to the south east corner

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of township three; thence north two miles, to the line dividing sections twenty-four and twenty-five; thence west two miles to the north east corner of section twenty-seven; thence north two miles to the north east corner of section fifteen; thence west two miles to the north east corner of section seventeen; thence north one mile to the north east corner of section eight; thence west one mile to the north east cerner of section seven; thence north one mile to the township line; thence west one mile to the north west corner of said township; thence north with the line dividing ranges seven and eight, east of the second principal meridian, to the line dividing townships four and five; thence east with said line four miles; reserving however all that part of the town of Paris, being a part of the north east quarter of section number four, township number four north, in range number eight east, to the county of Jennings; thence north two miles; thence east two miles; thence north two miles; thence east two miles; thence north two miles; thence east with the line dividing townships five and six, to a point thereon, two miles east of the line dividing ranges eleven and twelve; thence south with the line of Switzerland county to the Ohio river; and thence with the same to the place of beginning.

SEC. 11. That all that district of country included within the following boundaries, shall form and constitute the county of Fayette, to-wit: Beginning at the south east corner of section thirty-three, in township thirteen, range thirteen east of the second principal meridian; thence running east to the south east corner of section thirty-five, in township thirteen, range thirteen east of the second principal meridian; thence north with the Union county line to the north west corner of section numbered thirty-six, in town fifteen, range thirteen; thence west on said line, to a line dividing sections twenty-seven and twenty-eight, in town fifteen, range twelve; thence north on said line, to a line dividing towns fifteen and sixteen; thence west six miles; thence south eighteen miles; thence east to the place of beginning.

SEC. 12. That hereafter the county of Decatur shall be bounded as follows, to-wit: Beginning at the south west corner of section eighteen, in township numbered eight north, of range eight east of the second principal meridian; thence north fifteen miles, to the north west corner of section six, in township numbered ten north, of range numbered eight east; thence east three miles, to the south east corner of section thirty-three, in township numbered eleven north, of range numbered eight east; thence north seven miles, to the north west corner of section thirty-four, in township numbered twelve north, of range numbered eight

east; thence east eighteen miles, to the west boundary of Franklin county; thence south, with said boundary line to the north line of Ripley county; thence with the old boundary line, to the north line of Jennings county; and thence west with the Jennings county line, to the place of beginning.

SEC. 13. That all the territory included within the following boundaries, shall form and constitute the county of Jennings. Jennings, to wit: Beginning at the north west corner of section number nineteen, in township eight north, range seven east; thence south with said line dividing ranges six and seven east of the second principal meridian, to the south fork of the Muscacatuck river; thence eastwardly with the same, to the line dividing ranges seven and eight: thence north to the line dividing townships four and five; thence east with the said township line to the north west corner of the north east quarter of section four, in township four north, thence south one half mile; thence east one half mile; thence north one half mile; thence east one and a half miles, to the south west corner of section thirty-five, township five north, range eight east; thence north two miles; thence east two miles; thence north two miles; thence north two miles; thence east with the line dividing townships five and six; north to the south east corner of section thirty-one, in township six north, range ten east; thence north with the sectional land line, to the northern boundary of what is known as the Grovesland purchase; thence westwardly with said boundary line, to a point from which a line drawn due west, will pass, through the centre of township eight north, to the place of beginning.

E, 2 mi.

Sec. 14. That the territory including the following boundaries, shall form and constitute the county of Floyd. to-wit: Beginning on the Ohio river, where the line divi-Floyd. ding sections six and seven, in township four south strikes the same; thence west with said line to the south-west corner of section three, in town four south, and range five east, thence north with the line dividing sections three and four, to the north-east corner of section sixteen, in township three south, of range five east; thence west with the line dividing sections sixteen and nine, to the south-west corner of section nine; thence north, with the line dividing sections eight and nine, to the south-east corner of section five; thence west, with the line dividing sections five and eight, to the south-west corner of section five; thence north with the line dividing sections five and six, to the north-west corner of section thirty-two, in township two, in range five; thence west with the line dividing sections thirty and thirty-one, to the southwest corner of section thirty; thence north with the range line, to the south-west corner of section eighteen; thence west with the line divi-

Fayette.

Decatur

ding sections thirteen and twenty-four, in township two, in range four, to the south-west corner of section thirteen; thence north with the line dividing sections thirteen and fourteen in said range, to the corner of sections numbered twenty-three, twenty-four, thirteen and fourteen, in township numbered one, south of range numbered four east, in the south line of the county of Washington; thence due east with the south line of Washington county, to the summit of the Silver creek knobs; thence southwardly, with the extreme height of said knobs, to a point intersecting the extended sectional line dividing sections twenty-four and twenty-five, in town numbered one south, in range number four east; thence east with said extended line, to the Illinois grant line; thence with the Illinois grant line, south forty degrees east, to Silver creek in said grant, on the south side of lot number sixty-six; thence down said creek with the meanders thereof, on the west side of the same to the mouth thereof; thence down the Ohio to the place of beginning.

SEC. 15. That the county of Harrison shall hereafter be bounded as follows, to-wit: On the south side of the Ohio river, on the west, by Crawford county line, on the north by the southern boundary of the county of Washington, until it strikes the line of Floyd county, and on the east by the county of Floyd.

SEC. 16. That all the district of country within the following boundaries, shall form and constitute the county of Jackson, to-wit: Beginning at Big Sand creek, where the line dividing ranges six and seven, east of the second principal meridian, crosses the same; thence down said creek with the meanders thereof, to its junction with the Driftwood Fork of White river; thence down said river with the meanders thereof, to where an east and west line running through the centre of township seven north, strikes the north-west side of the aforesaid river; thence west with the said line, to where it crosses the line dividing ranges three and four; thence north with said line one mile to the north-east corner of section thirteen, town seven; thence west with the line dividing sections twelve and thirteen; thence west to the line of Monroe county; thence south with said line to the north-west corner of section sixteen town five north; thence east two miles to the north east corner of section fifteen; thence south with the sectional lines to the Driftwood Fork of White river; thence up said river with the meanders thereof to the mouth of the Muscatitack river; thence up the said last mentioned river, to the forks thereof; thence up the South Fork to where the line dividing ranges six and seven crosses the same; thence north with said range line to the place of beginning.

Harrison.

Jackson.

SEC. 17. That all the territory included within the following boundaries, shall form and constitute the county of Monroe, to-wit: Beginning on the line dividing townships six and seven north, where the sectional line dividing sec- Monroe. tions thirty-two and three, in range two east of the second principal meridian crosses the same; thence north with said sectional line to the north-east corner of section seventeen; thence west with the sectional line to the southeast corner of section eleven in township seven, north of range one east of the second principal meridian; thence north with the sectional line to the north-east corner of section two in township ten, north of range one east; thence west with said line as far as the south east corner of section thirty-three in town eleven, north of range two west; thence north with the last mentioned section line until it strikes the West Fork of White river; thence down said river to where the line dividing ranges two and three west of the second principal meridian. down said have

SEC. 18. That all the territory included within the between To following boundaries, shall form and constitute the county of Morgan, to wit: Beginning on the township line divid-Morgan. ges two and three east crosses the same; thence west to the centre of range two west, of the second principal meridian, thence north nine miles; thence west three miles, to the line dividing ranges two and three west; thence north eleven miles, to the corners of sections nineteen and thirty; thence east with said line twenty-four miles, to the line dividing ranges two and three east; thence south to the

place of beginning.

SEC. 19. That all the territory included within the following bounds, shall form and constitute the county of Warrick, to wit: Beginning on the Ohio river, four miles west Warrick. of the sectional line passing through the centre of range seven; thence running north to Little Pigeon creek; thence up said creek with the meanders thereof to the Polk Patch fork; thence up the last mentioned stream, with the meanders thereof, to the line dividing townships four and five south; thence east with said township line, to the line dividing ranges five and six; thence north to the line of Dubois county; thence west to the line dividing the counties of Pike and Dubois; thence running north two miles; thence west twelve miles; thence north one mile; thence west to Gibson county; thence south with the eastern boundary of Gibson county, to the northeast corner of the county of Vanderburgh; thence south with the same to the Ohio river; and thence with the said river to the place of begin-

SEC. 20. That all that district of country included

Spencer.

Dubois.

Martin.

within the following boundaries, shall form and constitute the county of Spencer, to wit: Beginning at a point on the Ohio river at the commencement of the east line of the county of Warrick; thence northwardly with said line to where the same strikes the north boundary of the county of Dubois; thence east with the line dividing the counties of Perry and Dubois, being the line dividing ranges three and four; thence south with said range line, until it strikes Anderson river; thence down said river with the meanders thereof to the Ohio river; thence down the same to the place of beginning. SEC. 21. That all the territory included within the fol-

lowing boundaries, shall form and constitute the county of Dubois, to wit: Beginning at a point on the bank of the East fork of White river, at which the centre line of range six, shall intersect said fork of White river; thence running south with said centre line, with the line of Pike and Warrick counties, to the northern boundary line of Spencer county, thence east with said line, to the line dividing ranges three and four west; thence north with the same three miles; thence east to the line dividing ranges two and three west; thence north with the said line to Lick creek; thence with the meanders thereof, to the East fork of White river; thence down said river to the place of beginning.

SEC. 22. That all the district of country included within the following boundaries, shall form and constitute the county of Martin, to wit: Beginning at the north east corner of township four north, of range three west, of the second principal meridiam; thence south with the range line dividing two and three west, to she northeast corner of section thirteen, in township one north, of range three west; thence west with the section line dividing twelve and thirteen in said township, to the eastern branch of White river; thence down with the meanders of said river, to the section line dividing twenty-three and twenty-four, of township one north, of range five west; thence north with said sectional line, dividing thirty-five and thirty-six in township two, three and four north, of range five west to the township line dividing four and five; thence east with said township line, to the place of beginning: And that townships five north, of ranges three and four west of the second principal meridian, be and the same are hereby attached to the county of Martin, to remain a component part of said county for all purposes whatever.

SEC. 23. That all the district of country included within the following boundaries, shall form and constitute the county of Daviess, to wit: Beginning at the forks of White river; thence up the east fork of said river, to the line dividing sections twenty-three and twenty-four, in town one north, range five west, of the second principal meridian; thence north with said sectional line, to the line dividing towns four and five north; thence east one mile to the line dividing ranges four and five west; thence north six miles; thence west with the line dividing towns five and six, to the west branch of White river; and thence down the same to the place of beginning: And that townships five north, of ranges three and four west, of the second principal meridian, be, and the same are hereby attached to the county of Daviess, until otherwise directed by law.

SEC. 24. That all the district of country included within the following boundaries, shall form and constitute the county of Greene, to wit: Beginning at the north-east cor- Greenes ner of township eight north, of range three west, of the second principal meridian; thence south, to the southeast corner of township six north, of range three west; thence west, to the southwest corner of township six north, of range seven west; thence north, to the northwest corner of township eight north, of range seven west; thence east to, and with the south boundary of Clay and Owen counties, to the place of beginning.

SEC. 25. That all the territory included within the following boundaries, shall form and constitute the county of Owen, to wit: Beginning at the south-east corner of town nine north, of range three west, of the second principal meridian; thence west with the said township line, to the south-east corner of Clay county, in town nine north, of range six west; thence north twelve miles; thence east six miles; thence north nine miles; thence east to the centre of range two west; thence south to the west branch of White river; thence down the same, to the line dividing ranges two and three west; and thence south with said range line, to the place of beginning.

SEC. 26. That all the district of country included within the following boundaries, shall form and constitute the Putnama county of Putnam, to wit: Beginning at the centre of town twelve north, on the range line dividing ranges five and six west, of the [second] principal meridian; thence east eighteen miles, to the line dividing ranges two and three west; thence north twenty-seven miles, to the line dividing towns sixteen and seventeen north; thence west eighteen miles, to the line dividing ranges five and six; thence south twenty-seven miles, to the place of beginning.

SEC. 27. That all that tract of country included within the following boundaries, shall form and constitute a new county, to be known and designated by the name of Clay. the county of Clay, to wit: Beginning at the south-west

Daviess

corner of township number nine, of range numbered seven; thence east ten miles; thence north twelve miles; thence east six miles; thence north nine miles; thence west four miles; thence north nine miles; thence west ten miles; thence south six miles; thence west two miles; and thence south twenty-four miles to the place of beginning.

Fountain.

SEC. 28. That all that tract of country included within the following boundaries, shall form and constitute the county of Fountain, to wit: Beginning where the line dividing townships seventeen and eighteen crosses the channel of the Wabash river: thence east to the line running through the centre of range six, west of the second princidal meridian; thence north to where the said line strikes the main channel of the Wabash river; thence running down with the meanderings of said river, to the place of beginning.

Sec. 29. That all the district of country included within the following boundaries, shall form and constitute the Montgomery, county of Montgomery: Beginning in the centre of range six, on the line dividing towns sixteen and seventeen; thence north twenty-four miles; thence east twenty-one miles, to the line dividing ranges two and three; thence south to the line dividing towns sixteen and seventeen; thence west to the place of beginning, shall form and constitute a new county to be known and designated by the name of Montgomery. The county seat for Montgomery county, shall be established at Crawfordsville, on the south-west quarter of section thirty-two, in town nineteen north, and range four west: Provided, that the proprietor or owner of said town or quarter section shall comply with the following conditions, to-wit: That he shall lay off into town lots, in said quarter section, eighty acres, and on or before the twentieth day of March next. execute a bond to the county commissioners, binding himself to convey by general warranty deed, to the said commissioners and their successors in office, one equal half of said lots, to be sold and conveyed by said commissioners, for the use and benefit of said county; the commissioners and proprietor taking choice about, beginning at the lowest number and ascending until the whole number shall be divided; and shall further bind himself to convey to the said commissioners, one suitable lot without the limits of the town plat for a burying ground; one lot for the purpose of erecting a school house thereon; four other lots which are to be disposed of by the commissioners, in the following manner, to-wit: Any religious society erecting a house of public worship, of a description to be agreed on by the commissioners, shall be entitled to a lot; the first applying and building to have first choice: Provided however, that the proprietor shall defray all expenses attend-

ing the laying out of said lots.

SEC. 30. That all the territory included within the following bounds, shall form and constitute the county of Pike, to-wit: Beginning on White river, where the range Pike. line dividing ranges nine and ten west, strikes the same; thence south with said range to where the base line crosses the same; thence east with said base line one mile, to the sectional line dividing sections thirty-one and thirtytwo, in township one north of range nine, west of the second principal meridian; thence south with the last mentioned sectional line, to the north west corner of section seventeen, in township one south, of range nine west, of the second principal meridian; thence east with the sectional line dividing sections eight and seventeen, nine and sixteen, to the north-west corner of section fifteen; thence south with the sectional line, dividing sections fifteen and sixteen until it crosses the Patoka river; thence up the same with the meanders thereof, to the sectional line dividing sections four and five, in township two south, of range eight west; thence south with the said sectional line, to the line of Warrick county; thence east and south with the Warrick county line, to the west line of Dubois county; thence north with said line, to the White river; thence down the same with the meanders thereof, to the place of beginning.

SEC. 31. That all the territory included within the following boundaries, shall form and constitute the county of Gibson, to-wit: Beginning at a point on the Wabash river Gibson. where the line dividing ranges nine and ten west, strikes the same; thence down the same to its junction with the Wabash; thence down the said last named river to the line of Posey county; thence with the line of Posey county, south and east, to the line of Vanderburgh county; thence east with the same to the line of Warrick county; thence continuing east with the Warrick county line to the line dividing sections thirty-two and thirty-three, in town three south of range eight west, of the second principal meridian; thence north with the said sectional line, to the river Patoka; and thence with the line of Pike county to

the place of beginning.

SEC. 32. That all the territory included within the following boundaries, shall form and constitute the county of Posey, to-wit: Beginning on the Ohio river, where the Posey. range line dividing ranges eleven and twelve, strikes the same; thence north with said range line to the line dividing townships three and four south; thence west six miles; thence north to the north-east corner of section thirty-six in township three, of range thirteen; thence west to the

Wabash river; thence down said river, with the meanders thereof to its confluence with the Ohio; and thence up the last named river, to the place of beginning.

SEC. 33. That all the territory included within the fol-Vanderburgh, lowing boundaries, shall form and constitute the county of Vanderburgh, to-wit: Beginning on the Ohio river, where the range line dividing ranges eleven and twelve west. strikes the same; thence north with said range line, to the centre of township four south, of Buckingham's base line; thence east through the centre of township four, to the range line dividing ranges nine and ten; thence south with the said range line, to the line dividing townships five and six south; thence east to the first section line in range nine; thence down the Ohio river, with the meanders thereof, to the place of beginning.

SEC. 34. That the county of Knox shall be bounded on the west by the Wabash river; on the north by the line dividing townships five and six north; on the east by the main channel of the West branch of White river; and on the south by the main channel of White river, to its junction with the Wabash river.

SEC. 35. That all the territory included within the following boundaries shall form and constitute the county of Sullivan, to-wit: Beginning on the Wabash river, where the line dividing towns five and six north, strikes the same; thence east to the line dividing ranges seven and eight west of the second principal meridian; thence north with said line, to the line dividing towns nine and ten; thence west to the Wabash river; thence down the same to the place of beginning.

SEC. 36. That all the territory included within the following boundaries, shall form and constitute the county of Vigo, to-wit: Beginning at a point on the Wabash river where the line dividing towns nine and ten north strikes the same; thence east to the line dividing ranges seven and eight west; thence north with said line, to the line dividing towns twelve and thirteen; thence east two miles; thence north six miles, to the line dividing towns thirteen and fourteen; thence west with the same, to the state line, dividing this state from the state of Illinois; thence south with the state line, to the Wabash river; thence down said river to the place of beginning.

SEC. 37. That all the district of county included within the following boundaries, shall form and constitute the county of Parke, to wit: Beginning on the Wabash river, on the line dividing town thirteen and fourteen; thence east to the line dividing ranges five and six; thence north eighteen miles to the line dividing towns sixteen and seyenteen; thence west three miles; thence north six miles; thence west to the Wabash river, and down the same to the place of beginning.

SEC. 38. That the district of country included within the following bounds, shall form and constitute the county Vermillion. of the Vermillion, to-wit: Beginning on the west bank of the Wabash, where the line dividing townships thirteen and fourteen north, crosses the same; thence west to the state line; thence north with the state line, to the line dividing townships nineteen and twenty north; thence east to the main channel of the Wabash river; thence south with the meanders thereof, to the place of beginning.

SEC. 39. That the district of country included within the following bounds, shall form and constitute the county Hendricks. of Hendricks, to-wit: Beginning at the south-east corner of section twenty, in township fourteen north of range two east, thence west, twenty miles to the east line of Putnam county; thence north with said line twenty miles, to the north-west corner of section eighteen, in township seventeen, in range two west; thence east twenty miles, to the north west corner of Marion county; thence south twenty miles with said county line, to the place of beginning.

SEC. 40. That all the territory included within the following boundaries, shall form and constitute the county of Boon, to wit: Beginning at the south west corner of the Boone county of Hamilton; thence north with the line dividing ranges two and three, seventeen and a half miles, to the centre stake of section thirteen, township twenty, range three east; thence westwardly, twenty-four miles, to the centre stake on the west side of section eighteen, township twenty, range two west; thence south with the line dividing ranges two and three west, seventeen and a half miles, to the north-west corner of the county of Hendricks; thence east with the northern boundary of the counties of Hendricks and Marion, to the place of beginning.

SEC. 41. That all the district of country within the following boundaries, shall form and constitute the county of Bartholomew, to wit: Beginning at the north-east cor- Bartholomew ner of section one, township ten, and range seven; thence south fifteen miles, to the south east corner of section thirteen, in town eight and range seven; thence west six miles to the south-west corner of section eighteen, township eight and range seven; thence south with the range line, dividing ranges six and seven to where the same crosses Big Sand creek; thence with the meandering of said creek to its junction with the Driftwood fork of White river; thence north with the meanders of said river, to or near the south-east corner of section sixteen, in town seven, range six; thence west with the government land line, to the south-west cor-

Parke.

Vigo.

Knox.

Sullivan.

ner of section fifteen, in township seven, range four; then on the centre line dividing range four, to the north-west corner of section three, township ten, range four; thence east on the township line dividing ten and eleven, to the

place of beginning.

SEC. 42. That all that part of Delaware county, contained within the following boundaries, shall form and constitute the county of Shelby, to wit: Beginning at the south-east corner of section thirty-three, in township eleven north, of range eight east, of the second principal meridian; thence north twenty-four miles, to the north-east corner of section four, in township fourteen north, of range eight east; thence west seventeen miles, to the north-west corner of section two, in township fourteen north, of range five east; thence south twenty-four miles, to the north boundary of Bartholomew county; thence east seventeen miles to the place of beginning.

Sec. 43. That the territory included within the following boundaries, shall form and constitute the county of Johnson, to wit: Beginning at the south east corner of section thirty-four, in town eleven north, of range five east, the same being the south-west corner of Shelby county; thence running north with the line of said county, to the south-east corner of Marion county; thence west to the north-east corner of Morgan county; thence south with the line of said county, to the township line, dividing townships ten and eleven; thence east with said line to the place of beginning.

Madison.

Shelby.

Johnson.

SEC. 44. The following bounds shall form and constitute the county of Madison, to wit: Beginning on the line dividing the counties of Henry and Madison, one mile south of where the line dividing townships seventeen and eighteen crosses the same; thence north with said county line to the north-east corner of section number eleven, township number twenty-two north, of range number eight; thence west to a line drawn from the north-east corner of Hamilton county, to Miami county; thence south to the north-east corner of Hamiliton county; thence south with said county line, to one mile south of the line dividing townships seventeen and eighteen; thence east to the place of beginning.

Sec. 45. That all the territory included within the lowing bounds shall form and constitute the county of Hancock, to wit: Beginning at the south-west corner of section thirty-five, in town fifteen, of range five east of the second principal meridian; thence east with the township line dividing towns fourteen and fifteen, to the south-east corner of section thirty-three, in range eight; thence north to the line dividing towns fifteen and sixteen; thence east

to the south-west corner of Henry county; thence north with said county line to a point thereon, one mile south of the line dividing towns seventeen and eighteen; thence west to the south-west corner of section four, in township seventeen, range five east; and thence south to the place

of beginning.

SEC. 46. That all the district of country included within the following boundaries, shall form and constitute the county of Orange, to wit: Beginning at a point on the line Orange. dividing ranges two and three, west of the second principal meridian, the centre of town three north; thence with the same due south, to the Crawford county line; thence east with the same to the sectional line, two miles east of the line dividing ranges one and two east; thence due north with the same, to the centre of town three north; thence west to the place of beginning.

SEC. 47. That all the territory included within the following boundaries, shall form and constitute the county of Warren, to wit: Beginning at the north-east corner of Warren. Vermillion county, on the Wabash river; thence west to the State line; thence north to the line dividing townships twenty-three and twenty-four; thence east with said line to the western line of Tippecanoe county; thence south on the said western line of Tippecanoe county to the Wabash river; and thence with the meanders of said

river to the place of beginning.

SEC. 48. That all that part of the county of Wabash, contained in the following boundaries, to wit: Beginning at the north-east corner of the county of Montgomery, on the township line dividing ranges two and three, west of the second principal meridian; thence north twenty-four miles; thence west twenty-one miles; thence east twentyone miles; thence south twenty-four miles; thence east twenty-one miles, with the north line of Montgomery county, to the place of beginning, shall constitute and form a new county, to be known and designated by the name of Tippecanoe.

SEC. 49. That all that part of the county of Wabash contained within the following boundaries, shall be known and designated as the county of Carroll, (in honor of Carroll, Charles Carroll, of Carrollton, the only surviving signer of the declaration of independence,) to wit: Beginning at the north-west corner of township numbered twenty-four north, of range two, west of the second principal meridian; thence south nine miles to the centre of township numbered twenty-three; thence east seventeen miles to the western boun-

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Tippecanoe.

Hancock.

dary of the great Miami Reservation; thence north with said boundary, eighteen miles to the centre of township numbered twenty-six; thence west eight miles to the south east corner of section sixteen, range one west; thence north three miles to the township line dividing townships twenty-six and twenty-seven; thence west thirteen miles to the section line, dividing sections four and five, range three west; thence south with said sectional line, twelve miles to the northern boundary of Tippecanoe county; thence east, four miles, to the place of beginning.

SEC. 50. That all that territory included within the following boundaries shall constitute the county of Cass, to wit: Beginning on the west side of the great Miami reservation line where the township line, dividing townships twenty-four and twenty-five intersects the same; thence north nine miles to the north east corner of section twentythree, in township twenty-six north, of range one east; thence west eight miles, to the corner of sections fifteen, sixteen, twenty-one and twenty-two, in township twentysix, north of range one west; thence north three miles, to the south-east corner of section thirty-three, township

twenty-seven, north of range one west; thence west three miles, to the south-west corner of said township twentyseven north, range one west; thence north twelve miles. to the north-west corner of township twenty-eight north, of range one west; thence on the township line dividing townships twenty-eight and twenty-nine east, twenty-two miles, to the north-east corner of section three, township twenty-eight, north of range three east, that being the western line of Miami county; thence south on the Miami county line, twenty four miles, to a point in the great Miami reserve, when it is surveyed will be the south-west corner of section thirty-four, township north, of range three east; thence west eleven miles, to the place of beginning.

SEC. 51. That all that tract of country included within the following boundaries, shall form and constitute the county of Clinton, to wit: Beginning at the north west corner of section nineteen, in township twenty-three north, of range two west, on the east boundary of Tippecanoe county, where the south west corner of Carroll county strikes the same; thence south seventeen and a half miles to the half mile stake in section eighteen, in township twenty, in range two west; thence east to the half mile stake on the east side of section thirteen, township twenty, range two east; thence north seventeen and a half miles; thence west to the south east corner of Carroll county; thence west

with the south boundary of said county, to the place of be-

ginning.

SEC. 52. That all the district of territory included in the following boundaries, shall form and constitute the St. Joseph. county of St. Joseph, to-wit: Beginning at range number. ed two west from the second principal meridian of this state, on the north line of the state; thence running east to the central section line, in range four east; thence south on said central section line to the township line dividing townships thirty-four and thirty-five north; thence west on said township line to range two west; thence north on said range line, to the place of beginning.

SEC. 53. That all the district of country included in the following boundaries, shall form and constitute the Elkhart. county of Elkhart, to-wit: Beginning at the central section line of range four east, on the north line of this state; thence east to the range line dividing ranges number seven and eight east; thence south on said range line to the township line dividing townships thirty-four and five north; thence west on said township line to the central section line, in range four east; thence north on said section line, to the place of beginning.

SEC. 54. That all that tract of country included within the following boundaries, shall form and constitute the county of Allen, to wit: Beginning at a point on Allen. the line dividing this state and the state of Ohio, where the township line dividing townships twenty-eight and twentynine north, intersects the same; thence north with said state line twenty-four miles; thence west to the line dividing [ranges ten and eleven east; thence south to the line dividing\* townships twenty-eight and twenty-nine north;

thence east to the place of beginning.

SEC. 55. That all that district of country included within the following boundaries, shall form and constitute the county of Lawrence. to-wit: Beginning at the line dividing Lawrence. ranges two and three west, at the centre of town three north, and running thence east, to the line dividing the counties of Washington and Orange; thence north to the Driftwood fork of White river; where the line dividing sections four and five, in range two east, and town three north, crosses the same; thence up the same to a point whence a due north line touches the north east corner of section fifteen, in range two east, and town five north; thence two miles west, to the north west corner of section sixteen, in the town and range last aforesaid; thence due

Cass.

Clinton.

<sup>[\*</sup>The words included in brackets, in the 54th section, are not found in the enrolled bill, but are taken from the 1st section of the act of 1823. Without these, or some other words, the boundaries would not close.]

north, to the line dividing towns six and seven; thence west to the line dividing ranges two and three west; thence south with the said range line, to the place of beginning.

Hamilton.

SEC. 56. That all the territory included within the following boundaries, shall form and constitute the county of Hamilton, to-wit: Beginning on the range line dividing ranges two and three east, of the second principal meridian, at the south west corner of section seven, in township seventeen, and range three; thence running north on the said range line, to the township line dividing townships twenty and twenty-one; thence east on the said township line, to the north east corner of section five, in township twenty, and range six; thence south on the section line to the south east corner of section eight, in township seventeen, and range six; and thence west on the section line to the place of beginning.

Marion.

SEC. 57. That all that part of the county of Delaware, contained in the following bounds, shall form and constitute the county of Marion, to-wit: Beginning at the north east corner of section numbered fifteen, in township seventeen north of range five east of the second principal meridian line, in the district of lands sold at Brookville; thence south twenty miles on the section line to the south east corner of section twenty two, in township fourteen north, of range five east; thence west twenty miles, to the south west corner of section twenty-one, in township fourteen north of range two east; thence north, to the north west corner of section four, township sixteen north of range two east to the second principal meridian, that being the west line of Marion county; thence running due north, parallel to the west line of sections thirty-three, twentyeight, twenty one and sixteen, to where it would intersect the north line of Marion county; thence due east to the north west corner of section sixteen, township seventeen, north of range two east, to where it strikes the north boundary of said county of Marion; thence east to the place of beginning.

SEC. 58. That all the territory included within the following boundaries, shall form and constitute the county of Perry, to wit: Beginning on the Ohio river, where the second principal meridian strikes the same; thence north to the line dividing towns three and four; thence west six miles; thence south one mile; thence south with the line dividing ranges three and four west, until it first strikes Anderson's river; thence down the same to the Ohio river; and thence up the Ohio river to the place of beginning.

SEC. 59. That all the district of country included within the following boundaries, shall form and constitute the county of Crawford, to-wit: Beginning on the Ohio river,

at the mouth of Big Blue river; thence up the same, with the meanders thereof, until it strikes the line dividing sec. Crawford. tions twenty-six and twenty-seven, in township three south, and range two east; thence north with said sectional line, until it strikes Big Blue river; thence up said Big Blue river, with the meanders thereof, until it strikes the line of Harrison and Washington counties; thence west with said line, to the corner of Washington county; thence south, to an east and west sectional line, dividing sections twentynine and thirty-two, in township one south, and range two east; thence west with said sectional line, to the line dividing ranges two and three west; thence south with said range line nine miles, to an east and west line, four miles north of the line dividing townships three and four south; thence east six miles; thence south four miles; thence east six miles, to the meridian line; thence south with the meridian line, to the Ohio river; thence up the same with the meanders thereof, to the mouth of Big Blue river, the place of beginning.

SEC. 60. That the county of Clark shall be bounded hereafter as follows, to-wit: On the south east by the Ohio river; on the south and west by the county of Floyd; on the Clark north west and north by the counties of Washington and Scott; and on the north east by the county of Jefferson.

SEC. 61. That all the territory included within the following boundaries, shall form and constitute the county of Scott. Scott, to-wit: Beginning at the south east corner of section thirteen, in town two north, of range eight east, of the second principal meridian; thence north to the south east corner of town three; thence north two miles to the line dividing sections twenty-four and twenty-five; thence west two miles, to the north east corner of section twenty-seven; thence north two miles to the north east cornor of section fifteen; thence west two miles to the north east corner of section seventeen; thence north one mile to the north east corner of section eight; thence west one mile to the north east corner of section seven; thence north one mile to the township line; thence west one mile to the north west corner of said township; thence north with the line dividing ranges seven and eight, to the South Fork of the Muscatituck river; thence down the same with the main channel thereof, to a point, from which a line running due south, will touch the south west corner of section twenty-nine, in town two north of range six east; thence east two miles; thence south one mile, to the township line dividing one and two; thence east with said line, to the Clark county line; thence north eastwardly, until it touches the south west corner of section eighteen, of town two, range seven; thence east to the place of beginning.

Perry.

w. pur.

SEC. 62. That all the territory included within the following boundaries, shall form and constitute the county of Washington, to-wit: beginning at the south-west cor-Washington, ner of section sixteen in township one, south of range two east, of the second principal meridian; thence due east to the summit of the Silver creek knobs; thence north-eastwardly with the extreme height of the same, between the waters of Silver creek and Blue river, to a point on the line dividing the counties of Clark and Scott, where a due west line will strike the south-west corner of section twenty, in township two north of range six east; thence north to the Muscatituck river; thence down the same and White river to where a sectional line running north from the beginning crosses said White river; thence south with said sectional line to the place of beginning.

Delaware.

SEC. 63. That all that tract of country included in the following boundaries, shall form and constitute the county . of Delaware, to-wit: Beginning at the north-east corner of Henry county, thence due north along the line dividing ranges eleven and twelve with the western boundary of Randolph county, to the north-west corner of section numbered eight, township numbered twenty-two north, on range numbered twelve east; thence west to the north-east corner of section numbered eleven, township numbered twenty-two north, on range numbered eight east; thence south to the north-west corner of Henry courty; and thence east with the northern boundary of Henry county to the place of beginning.

SEC. 64. That all that tract of country included within the following boundaries, shall form and constitute the county of Brown (in honor of the late Major General Jacob Brown), beginning at the north west corner of section one, in township ten north of range one east of the second principal meridian; thence south with the government land line twenty miles to the south-west corner of section twelve, in township seven north of the aforesaid range; thence east sixteen miles to the south-east corner of section nine in the last named township in range four east; thence north with the government land line twenty miles to the north-east corner of section four in township ten north; thence west with the line dividing townships ten and eleven, sixteen miles to the place of beginng.

SEC. 65. That all the district of country included in

the following bounds shall form and constitute the county of Porter, to-wit: Beginning at the north-west corner of Laporte county; thence running south to the Kankakee river; thence west with the bed of said river, to the centre of range seven; thence north to the state line, thence east to the place of beginning.

SEC. 66. That all that part of the country included within the following bounds shall form and constiture the Lake. county of Lake, to wit: All the country that lies north of the Kankakee river and west of the county of Porter, within the state of Indiana.

SEC. 67. That all the territory included within the following boundaries shall constitute the county of Noble (in Noble. honor of the late Honorable James Noble), to-wit: Beginning at the north-east corner of township thirty-five, range eleven east, thence west with the township line dividing townships thirty-five and thirty-six; thence south with said range line, to the south-west corner of township thirtythree, range eight east; thence with said range line dividing thirty-three and thirty-two to the south-east corner of township thirty-three, range eleven east; thence north with the range line dividing ranges eleven and twelve to

the place of beginning.

SEC. 68. That all the territory included within the following boundary shall constitute a county to be known Steuben. by the name of Steuben, to-wit: Biginnning at the southwest corner of township thirty-six north, of range twelve east, thence east with the line dividing township thirtyfive and thirty-six to the line of the state of Ohio; thence north with the state line to the line of Michigan territory; thence west with the territorial line to the eastern boundary line of Lagrange county; thence south with said county

line to the place of beginning.

SEC. 69. That all the territory included within the Kosciusko. following boundary shall constitute a county to be known by the name of Kosciusko, to-wit: Beginning at the northwest corner of section three in township thirty-four north of range four east; thence east with the line dividing townships thirty-four and thirty-five, twenty-one miles; thence south twenty-seven miles, to the south-east corner of section thirteen township thirty north of range seven east; thence west through the centre of township thirty north, the south-east corner of section sixteen in township thirty north of range four east, twenty-one miles; thence north through the middle of range four east twenty-seven miles to the place of beginning.

SEC. 70. That all the territory included within the following boudary, shall constitute a county, and be known Fulton. by the name of Fulton, to wit: Beginning at the south-west corner of township number twenty-nine, north of range number one east, that being the south-east corner of Pulaski county; thence north eighteen miles, to the northwest corner of township number thirty-one, north of range

Porter.

Brown.

number one east, that being the north east corner of Pulaski county; thence east on the line dividing townships thirty one and thirty-two north, twenty one miles, to the northwest corner of section three, and north-east corner of section four, in township number thirty-one, north of range number four east; thence south nine miles, to the corners of sections fifteen, sixteen, twenty-one and twenty-two, in township number thirty north, of range four east, being the south-west corner of Kosciusko county; thence east three miles, to the corners of sections thirteen and twenty four, in township thirty north, of range number four east, and the corners of sections number eighteen and nineteen, in township number thirty north, of range number five east; thence south three miles, to the south-east corner of township thirty north, of range four east; thence west eight miles, to the south-east corner of section thirty four and south-west corner of section thirty-five, in township thirty north, of range number three east; thence south six miles, to the south-east corner of section thirty-four, and the south-west corner of section thirty-five, in township number twenty-nine north, of range number three east, being the north-east corner of Cass county; thence west sixteen miles, to the place of beginning.

SEC. 71. That all the territory included in the following boundary, shall constitute a county, to be to be known by the name of Marshall, to wit: Beginning on the meridian line at the south-west corner of township thirty-two north, of range one east; thence east twenty-one miles; thence north with the sectional lines, to the north-east corner of section four, in township thirty-four north, eighteen miles; thence west with the township line, twenty-one miles; thence south with the meridian line, eighteen miles

to the place of beginning.

SEC. 72. That all the territory within the following boundary, shall constitute a county, to be known by the name of Stark, to wit: Beginning at the north-west corner of township thirty-four north, of range four west; thence south with the meridian line, eighteen miles; thence west twenty-four miles; thence north with the line dividing ranges four and five west, eighteen miles, to the place of

beginning.

SEC. 73. That all the territory within the following boundary shall constitute a county, to be known by the name of Pulaski, to wit: Beginning at the north-west corner of township thirty-one north, of range four west; thence east twenty-four miles; thence south with the meridian line, eighteen miles; thence west with the line dividing townships twenty-eight and twenty-nine north, twenty-four

miles; thence north with the line of ranges four and five west, eighteen miles, to the place of beginning.

SEC. 74. That all the territory within the following boundary, shall constitute a county, to be known by the name of Jasper, to wit: Beginning at the south-east corpasper, or of section thirty-three, in township twenty-four north, of range six west; thence west to the line of the State of Illinois; thence north with the State line, thirty miles; thence east with the line dividing townships twenty eight and twenty-nine north, to the north east corner of section four, township twenty-eight north, of range six west; thence south with the sectional lines, thirty miles, to the place of beginning.

SEC. 75. That all the territory within the following boundary shall constitute a county, to be known by the name of Newton, to wit: Begining at the south-east corner of township twenty-nine north, of range five west; thence west, to the State line; thence north with the State line, thirty miles; thence east with the line dividing townships thirty-three and thirty-four, to the north-east corner of township thirty-three, in range five west; thence south with the range line thirty miles, to the place of be-

ginning. SEC. 76. That hereafter all that territory included within the following boundaries, shall constitute the county of Wabash, to wit: Beginning in the Miami Reserve, Wabash where when surveyed it will be the corners of sections two (2) and three (3) in townships twenty-five (25) north of range five (5) east and corners, sections thirty-four (34) and thirty-five (35) township twenty-six (26) North of range number five (5) east; thence north twenty-seven (27) miles to the corners of sections 14, 15, 22 and 23 in township number thirty (30) north of range five (5) east; thence east fourteen (14) miles to the corners of sections 13 and 24 in township thirty (30) north of range seven east, and corners of sections 18 and 19 in township thirty (30) north of range eight (8) east; thence south three (3) miles to the line dividing townships twenty-nine (29) and thirty (30); thence east with the township line two (2) miles to the corners of sections four (4) and five (5) in townships twentynine (29) north of range eight (8) east, and corners of sections thirty-two (32) and thirty-three (33) township thirty (30) north of range eight (8) east, that being the northwest corner of Huntington county; thence south twentyfour (24) miles to the corners of sections four (4) and five (5) in township twenty-five (25) north of range eight (8) east, and corners of sections thirty two (32) and thirtythree (33) in townships twenty-six (26) north of range eight

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(8) east, the same being the south-west corner of Hunting. ton county; thence west sixteen (16) miles to the place of

beginning.

SEC. 77. That hereafter all that territory included within the following boundaries shall constitute the county of Miami, to wit: Beginning at corners of sections two and three in township twenty-four north of range number three east, and the corners of sections thirty-four and thirty-five in township twenty five north of range number three east, that being the south-east corner of Cass county; thence north thirty miles to the corners of sections two and three in township number twenty-nine north of range number three east, and the corners of sections number thirty four and thirty-five in township thirty north of range three east; on the line dividing said last named townships, eight miles to the north-east corner of township number twenty-nine north of range four east; thence north three miles to the corners of sections thirteen and twenty four in township thirty north, range number four east, and the corners of sections numbered eighteen and nineteen in township number thirty north of range number five east: thence east four miles to the corners of sections fourteen, fifteen, twenty-two and twenty-three in township number thirty north of range number five east, that being the north-west corner of Wabash county; thence south twenty-seven miles to the corners of sections two and three in township twenty-five, and of sections thirty-four and thirty-five in township twenty-six of range five east.

SEC. 78. That all the tract of country included in the following bounds, shall form and constitute the county of White, to wit: Beginning at the north west corner of Tippecanoe county; thence running east with the north line of Tippecanoe county, to the north-western corner of Carroll county; thence north with the west line of Carroll county to the north-west corner of the same, thence east with the north line of Carroll county, to the west line of Cass county; thence north with the west line of Cass county to the north-west corner of the same, thence west to the centre section line of range six west, thence south to the north west corner of Tippecanoe county to the place of begin-

ning.

SEC. 79. That all the territory included in the following boundary lines, shall constitute the county of Adams, to-wit: Beginning at the south east corner of Allen county to the north east corner of section five, in township twenty. eight, range thirteen; thence south with the section lines, to the township line between townships twenty-four and twenty-five; thence east with the said township line to the

eastern boundary line of the state; thence north with the state line to the place of heginning.

SEC. 80. That all the territory within the following boundary lines, shall constitute a county to be known by Wells. the name of Wells, to-wit: Beginning at the north west corner of Adams county; thence west with the southern boundary of Allen county to the south west corner of the same; thence south with the eastern boundary of Huntington county, to the south east corner of the same; thence west to the north east corner of Grant county; thence south six miles to the township line dividing township twenty-four and twenty-five; thence east to the south west corner of Adams county; thence north with the western boundary of Wells county to the place of beginning.

SEC. 81. That all the territory included within the following boundary lines shall constitute and form a county to be known by the name of Jay, to-wit: Beginning at Jay. the south east corner of Adams county; thence west to the eastern boundary of Grant county; thence south to the northern boundary of Delaware county; thence east with the horthern boundary of said county, to the north east corner of Randolph county; thence east with the northern boundary of said county to the state line; thence north to

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lowing boundary, shall constitute a county by the name of DeKalb. DeKalb, to wit: Beginning at the south west corner of township thirty-three north, of range twelve east; thence east with the line of Allen county to the line of the state of Ohio; thence north with said state line eighteen miles; thence west with the line dividing townships thirty-five and thirty-six to the line dividing ranges eleven and twelve east, thence south with said range line eighteen miles to the place of beginning.

SEC. 83. The following bounds shall form and constitute the county of Grant, to wit: Beginning at the south-Grant. east corner of section one, in town twenty-two, range nine; thence west to a line corresponding with the east boundary line of Hamilton county; thence north to the south-east corner of Miami county; thence north on said line, to the south boundary line of Wabash county; thence east on said line, to the range line dividing ranges nine and ten; thence south to the place of beginning.

SEC. 84. That the following bounds shall form and constitute the county of Laporte, to wit: Beginning at the Laporte. State line which divides the State of Indiana and the State of Michigan, and at the north-west corner of township thirty-eight north, of range four west, of the second principal meridian; thence running east with said State line

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to the centre of range one west, of said meridian; thence south twenty-two miles; thence west parallel with said State line twenty-one miles; thence north to the place of beginning.

Lagrange.

SEC. S5. The following bounds shall form and constitute the county of Lagrange, to wit: Beginning at the north-east corner of Elkhart county, thence running east with the northern boundary, to the range line between eleven and twelve; thence south sixteen and a half miles; thence west to the eastern boundary of Elkhart county; thence north with said boundary line, to the place of beginning.

Whitley.

SEC. 86. That all the territory included within the following boundary, shall constitute a county, to be known by the name of Whitley, to wit: Beginning at the northeast corner of township thirty two north, of range seven east; thence east with the township line, eighteen miles; thence south with the line dividing ranges ten and eleven east, eighteen miles; thence west with the township line, eighteen miles; thence north with the line of ranges seven and eight east, eighteen miles, to the place of beginning.

SEC. 87. All plaints, pleas, causes of action, and prosecutions, of what kind and nature soever, existing at the time of the publication of this act, in the several counties above, shall be continued and carried on to final judgment and execution, as if this act had not been passed.

SEC. 88. That in all cases where counties shall be bounded by rivers or lesser streams, the middle of the main channel of such streams shall be considered as the true boundary: Provided, however, That nothing in this act shall be so construed, as to alter or change, any of the county boundaries heretofore established, but the same shall be taken and considered to all intents and purposes, as though this act had not been passed.

#### CHAPTER LXII.

AN ACT to alter and define the boundary lines of Grant county.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all that district of country included within the following boundaries, shall form and constitute the county of Grant, to wit: Beginning at the

south east corner of section one, of township twenty-two, north of range nine east, on the north line of Delaware county; thence west on said line to the north west corner of said county of Delaware; thence west on the same sectional line, till it shall intersect a line drawn from the north east corner of Hamilton county to the south east corner of Miami county; thence north on said line to the south boundary of Wabash county; thence east to the line dividing ranges nine and ten; thence south on said line to the place of beginning.

SEC. 2. Any debts that have accrued on account of the support of a pauper or paupers residing upon the territory heretofore in dispute between the counties of Madison and Grant, that is to say, so much of township twenty-two north, as lies north of the central line drawn east and west, through said township and situated between the county of Delaware and the Miami reservation, shall be paid by said counties of Madison and Grant in equal parts, to the proper person or persons to whom said debts may be due and owing.

SEC. 3. All acts and parts of acts coming within the purview of

this act, shall be and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

#### CHAPTER LXIII.

AN ACT granting certain water privileges to the town of Evansville:

[APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the Board of Internal Improvement shall have full power and authority to authorize and permit the president and trustees of the town of Evansville at the expense of the president and trustees to withdraw by pipes or otherwise, water from the Central canal at or near said town, for the purpose of extinguishing fires in said town, if so withdrawing water from said canal shall not be detrimental to the interests of the state.

SEC. 2. If the said Board of Internal Improvement shall give such permission and authority to the said president and trustees, the said board of internal improvement shall have full power and authority from time to time to prescribe the times when, the places where and the mode in which water shall be withdrawn from said canal as aforesaid, and from time to time to require alterations in the places when, and the mode in which water is to be withdrawn as aforesaid from said canal, and from time to time to prohibit the withdrawal of water as aforesaid from said canal whenthe interests of the state shall require it, and to prescribe from time to time the quantity of water which shall be withdrawn as aforesaid from said canal.

SEC. 3. This act shall be in force from and after its passage.

#### CHAPTER LXIV.

AN ACT to organize the county of Jasper and for other purposes.

#### [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That from and after the fifteenth day of March next, the county of Jasper shall enjoy all the right and jurisdiction which to separate and independent counties do or may properly belong.

SEC. 2. The first session of the circuit court and of the board of county commissioners, shall be holden at the house of Robert Alexander in said county: *Provided*, that thereafter all courts shall be held at such place as the said board of county commissioners shall select.

SEC. 3. The territory known as the county of Newton, shall, from and after the passage of this act, be attached to the county of White for judicial and representative purposes: *Provided*, nothing in this act shall be construed to affect legal process commenced prior to the passage of the same.

This act to be in force from and after its passage.

#### CHAPTER LXV.

AN ACT attaching Canal Port to the town of Petersburgh in Pike county for corporation purposes.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the town of Canal Port in the county of Pike be, and the same is hereby attached to the town of Petersburgh in said county for corporation purposes.

This act to take effect and be in force from and after its passage.

#### CHAPTER LXVI.

AN ACT to legalize the sale of Congressional school land in the county of Porter.

#### [APPROVED FEBRUARY 17, 1838.]

Whereas, doubts have arisen as to whether the sale of section sixteen in township number thirty-five, north of range No. six west, in Porter county, heretofore, to-wit: on the 11th and 12th days of April, 1837, by Reed Starr, school commissioner in said county, were strictly legal, in consequence of its being doubtful whether the number on whose petition and election the said land was sold, constituted the number in said township entitled to vote, required to authorize a sale: therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the election held in said township, for the purpose of ordering a sale of said section sixteen, and the sale of the same, or all parts of the same, made in pursuance of said election, and all proceedings had thereon, be, and the same are hereby legalized to all intents and purposes, as fully as though such number or majority of the qualified voters of said township, required, had voted for such sale.

This act to take effect and be in force from and after its passage.

# CHAPTER LXVII.

AN ACT to authorize the treasurer of Dearborn county to pay over certain road tax in his hands.

#### [APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the treasurer of Dearborn county is hereby authorized and required to pay over all and any road tax that may or has been paid into said treasurer's hands by the different collectors of said county as road tax, on the order of the trustees of the different townships of said county in proportion to the amount paid in from each of said townships, to said county treasurer or as near thereto as said treasurer can ascertain.

SEC. 2. The township trustees shall direct the manner in which said proportionable amount shall be laid out in their several townships, and on what roads the same shall be appropriated.

This act to take effect and be in force from and after its passage.

#### CHAPTER LXVIII.

AN ACT to legalize the election of Trustees of the Presbyterian church of Sand creek, Decatur county.

#### [APPROVED FEBRUARY 17, 1838.]

Whereas it has been represented to the General Assembly of the State of Indiana, that a portion of the citizens of Decatur county constituted themselves into a church, known as the Presbyterian Church of Sand creek, in the year 1835, they elected Cyrus Hamilton, Robert Hamilton and James Ardemy, trustees of said church agreeably to the statute of the state in such case made and provided; and whereas, the clerk of said election failed to report the result of said election to the recorder of Decatur county for record, for remedy thereof,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the election of Cyrus Hamilton, Robert Hamilton, and James Ardemy as made in the year 1835, as trustees of the Presbyterian church of Sand creek in Decatur county and all their acts and doings as such up to the time of the election of their successors be, and the same is hereby legalized as fully and as amply as if the result of said election had been recorded among the records of the county of Decatur.

This act to take effect and be in force from and after its passage.

#### CHAPTER XLVI.

AN ACT fixing the compensation of the Commissioners of the Saline Lands in Orange county.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter the commissioner of the Saline lands in Orange county be, and he is hereby authorized to receive the same per centum on all monies coming into his hands arising from the sales of said lands as is allowed by law to the commissioner of the reserved township of land in Monroe county and no more, in full compensation for all services required of him, to do and perform as provided for by an act entitled an act to amend an act to provide for the sale of certain land therein named, approved February 2d, 1833; approved January 24th, 1834.

SEC. 2. This act to take effect and be in force from and after its passage.

#### CHAPTER LXIX.

AN ACT changing the name of Edinburgh, in Frnklin county.

#### APPROVED, FEBRUARY 7, 1838.

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Be it enacted by the General Assembly of the State of Indiana, That the name of the town of Edinburgh, in Franklin county, be, and the same is hereby changed to that of Drewersburgh.

This act to take effect and be in force from and after its passage.

#### CHAPTER LXX.

AN ACT authorizing the election of an additional Justice of the Peace in Clinton township, Vermillion county.

#### [APPROVED FEBRUARY 7, 1838.]

Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the clerk of the circuit court of Vermillion county as soon as practicable after the taking effect of this act, to order an election of one additional justice of the peace in Clinton township, Vermillion county, who shall reside in the town of Clinton, or within half a mile of the same, and a removal from such bounds shall be a vacation of office.

This act to take effect and be in force from and after its passage.

#### CHAPTER LXXI.

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AN ACT to legalize the proceedings of the School Commissioners of Spencer county.

### [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the proceedings of John M. Brady, the school commissioner of Spencer county, in selling section numbered sixteen in township numbered eight south of range numbered six west in said county, be, and the same are hereby legalized.

SEC. 2. This act to be in force from and after its passage.

#### CHAPTER LXXII.

AN ACT legalizing the proceedings of the Board of Commissioners of Vanderburgh county.

# [APPROVED JANUARY 29, 1838.]

Be it enacted by the General Assembly of the State of Indiana, That the proceedings of the Board of Commissioners of the county of Vanderburgh, in fixing the valuation of property upon the revenue roll of said county, for the year 1836, be, and the same are hereby legalized, and the collectors of said county is required and authorized to settle with state and county treasurers according to the value of property as so fixed by said commissioners.

#### CHAPTER LXXIII.

AN ACT to authorize the Board doing county business in the county of Spencer to grant a license to John Meeks to retail spirits and sell foreign and domestic goods and groceries.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That the board doing county business in the county of Spencer is hereby authorized and empowered to grant a license to John Meeks from time to time to retail spirits and sell foreign and domestic goods and groceries at such a price as the said board may deem proper, or to grant the said license without any charge, any law or part of law to the contrary.

SEC. 2. This act to be in force from and after its passage.

#### CHAPTER LXXIV.

AN ACT to change the lease of a part of the University Squarge in the town of Indianapolis.

### [APPROVED FEBRUARY 17, 1838.]

Be it enacted by the General Assembly of the State of Indiana, That so soon as there shall be filed in the office of the agent of state for the town of Indianapolis, releases from the trustees of the Lutheran church of Indianapolis of their right to the use of the north-west quarter of square twenty-five in the town of Indianapolis, reserved for a University under authority heretofore given, the said agent is hereby authorized to lease the same to the Trustees of the Indianapolis Female Institute, for a similar period and on like conditions, as provided by law in the lease of said square authorized to be made to the Marion county seminary.

This act to take effect and be in force from and after its passage.

#### CHAPTER LXXV.

AN ACT to empower John Walker to draw off the waters of the Lakes near Laporte, in Laporte county, and for other purposes.

#### [APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Walker of the county of Shelby and State of Indiana, is hereby authorized and empowered to excavate a canal or race, any width that said grantor may deem proper, for the purpose of connecting the waters of the lakes, north-west and north-east of the town of Laporte, in Laporte county, in township numbered thirty-seven north of range three west, and the said grantor is also hereby authorized and empowered to draw off the waters of said lakes, in manner aforesaid, from Clear creek passing through the town of Laporte, on Clay street, to any point that the said grantor may fix upon in the vicinity of said town, that may be most suitable to said grantor.

SEC. 2. That the said grantor, his heirs, or assigns shall have the sole and exclusive use and benefit of the waters so collected and drawn off, to be applied to manufacturing or any other purpose whatever, in the discretion of said grantor, his heirs and assigns forever: Provided, That the waters on the said Clear lake shall not be so drained off as to lower said Clear lake more than twenty-four inches, plum water, below low water mark: And, provided further, That in the construction of any public work hereafter by the State, wherein it shall become necessary to resume any of the powers and privileges hereby granted to the said John Walker, the State shall resume the same by her proper agent upon paying him the actual cost of such works and improvements as shall be injured thereby together with six per centum per annum for the time of its expenditure.

SEC. 3. It shall be lawful for the said grantor, either before or after the location of said canal or race, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the location and construction of said canal or race, and all such relinquishments made and entered into in writing, with any person or persons, capable in law to contract and be contracted with, and made in consideration of said location, shall be binding upon both parties in law and equity: Provided, That if the parties cannot agree, the right of way is to be determined in the same way and manner, that the right of way is obtained in the location of public roads and high-ways: that is to say, by the appraisal of disinterested persons, who shall determine in what amount, if any, the premises so occupied by said race are rendered less valuable.

SEC. 4. It shall be the duty of said grantor, whenever any State or county road now established, shall cross the said canal or race, to make and keep in good repair, good and sufficient cause-ways and bridges, so that the free use of any State or county road shall not be obstructed: *Provided*, however, That said grantor is not hereby required, to cause-way or bridge any of the streets, lanes, or alleys in the said town of Laporte, through or across which the said canal or race may pass.

SEC. 5. That if any person or persons shall willfully or knowingly injure, obstruct, or occupy the said channel or race in any manner or part thereof, or shall break, damage, or deface any work or edifice, belonging thereto, such person or persons so offending, shall pay to the said grantor, his heirs or assigns, three times the amount of the damages actually sustained, with costs of suit, to be recovered by suit at

law before any court of competent jurisdiction.

Sec. 6. The said grantor, his heirs or assigns, shall commence the construction of the said canal or race, at any time not longer than two years, and shall finish the same at any period, not exceeding seven years from the date of the passage hereof: Provided, however, That nothing in this act is to be so construed as to prevent the said grantor from finishing any of the connections of the lakes as named in the first section of this bill [act] at any time within fifteen years from and after the passage of this bill. [act.]

This act to take effect and be in force from and after its passage.

#### CHAPTER LXXVI.

AN ACT authorizing an additional Justice of the Peace, to Scott and Coal Creek Townships, in Montgomery County.

#### [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That an additional justice of the peace shall be elected by the quali-

ed voters of Scott township in Montgomery county to reside and hold his office in the town of Parkersburgh in said county.

SEC. 2. Be it further enacted, That the board doing county business of the county of Montgomery shall order said election at their next March session, and that said election shall be conducted in all things by the law now in force regulating elections of justices of the peace.

SEC. 3. Be it further enacted, That an additional justice of the peace shall be elected, according to the qualified voters of Coal creek township, in said county to reside and hold his office in the town of Pleasant Hill in said county.

SEC. 4. Be it further enacted, That the board doing county business in said county, shall at their next March session, order said election, and that said election shall be conducted in all things according to the law now in force regulating elections of justices of the peace.

SEC. 5. Be it further enacted, That said justices shall forfeit their office whenever they or either of them shall remove from the towns in which they shall have been elected.

SEC. 6. And whenever vacancies shall happen in the offices herein provided for, and authorized, or in either of them, it shall be lawful to fill said vacancy as in other cases of vacancy in the office of justices in this State.

SEC. 7. Be it further enacted, That this act shall be in force from and after its passage.

#### CHAPTER LXXVII.

AN ACT to authorize Wetmore and Toby to erect a dam on the Wabash river, at the town of Murray, in Wells county.

#### [APPROVED FEBRUARY 17, 1839.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Jesse Wetmore and Noah Toby, their heirs and assigns, be and they are hereby authorized to erect a mill dam across the Wabash river at their mill seat thereon, near the town of Murray, in Wells county, for the purpose of erecting grist and saw mills and other machinery, under the restrictions hereinafter mentioned.

SEC. 2. That said Wetmore and Toby, and their heirs and assigns shall not raise said dam so high as to overflow the land of any proprietor, without the consent of such proprietor, unless the said Wetmore and Toby shall make application to the circuit court of the county of Wells, for a writ of ad quod damnum, and pursue the laws in such cases: Provided, That the said Wetmore and Toby the benefits of an

act allowing and regulating the writ of ad quod damnum, as if said

Wabash river had not been a navigable stream.

SEC. 3. The mill which is intended to be propelled by the water power raised by said dam contemplated by this act shall always be subject and liable for damages that any individual may sustain in na-

vigating the said Wabash river in consequence of said dam.

Sec. 4. Nothing in this act shall be so construed as to authorize the persons named in the first section of this act, their associates, heirs or assigns to obstruct the navigation of the Wabash river and means of passage for all boats or water crafts that could navigate said river, if said dam were not constructed, shall be provided and maintained at the expense of the owners of said dam: Provided, That nothing herein cantained shall at any time hereafter prevent the State from diverting the waters from said dam or any machinery connected therewith or using any waters in said river for any public purpose.

This act to take effect and be in force from and after its passage.

#### CHAPTER LXXVIII.

AN ACT to provide for a Justice of the Peace in Maysville, Daviess County.

# [APPROVED FEBRUARY 14, 1839.]

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That a justice of the peace shall be elected, within the town of Maysville, in Daviess county, by the qualified voters of the township in which the said town of Maysville may be situate, in the same manner they might or could do if said town was incorporated.

SEC. 2. The board doing county buisness of Daviess county, at their session, or the clerk thereof in vacation, shall cause this act to be carried into effect according to the laws in force, providing for the election of justices of the peace, and as in case of a vacancy of the

office of justice.

This act to take effect and be in force from and after its passage.

#### CHAPTER LXXIX.

AN ACT relating to taverns and tavern keepers in the county or Vermillion.

#### [APPROVED FEBRUARY 17, 1338.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That any tavern keeper in the county of Vermillion, who shall be now established, or may hereafter establish himself as such, agreeably to the provisions of the act entitled, "an act to license and regulate taverns and groceries," approved February 3, 1832, he shall and may continue to enjoy the benefits and privileges of said act, in the capacity of retailer of spiritous liquors in said tavern, upon the terms and conditions of said act: Provided, he shall in every respect comply with the provisions of that act, and the boards of county commissioners shall assess upon such tavern keepers, an annual tax for such privileges, not exceeding twenty dollars: Provided however, that the benefits of this act shall only extend to such retailers as in connection therewith, shall keep a tavern, and conform to the provisions of the above recited act in all respects.

# CHAPTER LXXX.

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AN ACT to amend an act entitled "an act for the formation of the county of Brown, approved February 4, 1836.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the county of Brown shall hereafter be attached to and form a part of the senatorial district at present composed of the counties of Bartholomew and Jennings, and the county of Brown as aforesaid shall be attached to the county of Bartholomew, for the purpose of electing representatives to the state legislature: Provided however, that nothing herein contained shall be so construed as to prevent any citizen of Brown county from holding either of the aforesaid offices of senator or representative.

SEC. 2. That so much of the sixth section of an act for the formation of the county of Brown, as prescribes the manner in which the citizens of said county of Brown shall vote, be, and the same is hereby

repealed.

SEC. 3. That the county of Brown shall be attached to the 14th brigade of Indiana militia for military purposes, and form the nine-teenth regiment.

#### CHAPTER LXXXI.

AN ACT to vacate the town of Newberry.

[APPROVED FEBRUARY 17, 1838.]

Be it enacted by the General Assembly of the State of Indiana, That the town of Newberry in the county of Green, heretofore laid off by Cary Oneal, be, and the same is hereby vacated.

This act to be in force from and after its publication.

#### CHAPTER LXXXII.

AN ACT to prevent obstructions in Anderson river in Spencer and Perry counties.

[APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter no person or persons shall be permitted to erect, or cause to be erected, any mill dam or dams on Anderson river or the middle fork, or the west fork thereof, in the counties of Perry or Spencer of a greater height than ten feet perpendicular elevation above low water mark: Provided, that nothing herein contained shall be so construed as to authorize any person or persons to erect any dam or dams on said stream contrary to any acts regulating the writ of ad quad damnum.

SEC. 2. That it shall not be lawful for any person or persons to fall timber into or cause any other obstructions in the said river or the aforesaid two branches or forks thereof in the said counties as high up as the twenty-sixth-section in township three, south of range two west on said middle fork, and as high up as section seven in township four, south of range three west, on said west fork, except as is provided for

in the first section thereof.

SEC. 3. That if any person or persons shall erect or cause to be erected any dam or dams on, or cause any obstructions in the said streams in the aforesaid counties, contrary to the provisions of this act, they shall be fined in any sum not exceeding one hundred dollars, to be recovered by presentment or indictment, in any court in this state having competent jurisdiction thereof.

#### CHAPTER LXXXIII.

AN ACT to amend an act entitled "an act to incorporate the Lawrenceburgh Bridge Company," approved January 24, 1831.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That those persons who have become stockholders in pursuance of the above recited act; and all those who may hereafter become stockholders in said company, shall be named and styled "The Lawrenceburgh Bridge Company," and by that name shall be capable in law of possessing and holding real estate sufficient for the purposes of said company, and of exercising all the rights and privileges granted by the first section of the above mentioned act, and shall have power to make and use a common seal, and the same to change and renew at pleasure.

SEC. 2. The capital stock of said company may, if the board of trustees thereof think necessary, be increased to any sum not exceeding twenty thousand dollars, or four thousand shares of five dollars each, to be sold at such times and in such way and manner as the said

board of trustees of said company shall direct.

SEC. 3. The said company may erect a bridge across Tanner's creek at the same place where the present bridge erected by said company now stands, or at any other point the board of trustees of said company may select, either up or down said creek, within one half mile of the present bridge, and the said incorporation shall have and may use the writ of ad quod damnum and pursue the course pointed out by and enjoy all the benefits arising from the law allowing such writ for the purpose of having condemned the necessary quantity of ground for the erection of the necessary abutments, toll house, and necessary causeways: Provided, that in the event that the state should hereafter determine to McAdamize the Michigan road, and from thence to the town of Lawrenceburgh, the state hereby reserves to itself the right on the payment, to said company of the original cost of said bridge, with ten per centum thereon after deducting all profits that may arise from tolls &c., to appropriate said bridge to the use of said road, and the said company hereby obligate themselves to surrender the aforesaid charter.

SEC. 4. That the eleventh section of the act to which this is an

amendment be, and the same is hereby repealed.

SEC. 5. That if said company shall accept of this amendment of their charter, and spread the same upon the record of their proceedings, the same shall be, and is hereby made a part of the charter of said company as fully as if the same had been a part of the original charter, and all the proceedings of the said company are hereby legalized and confirmed.

This act to take effect and be in force from and after its passage.

#### CHAPTER LXXXIV.

AN ACT to authorize Asher Wilcox to erect a Dam across the East Fork of White river, in Lawrence county.

# [APPROVED FEBRUARY 12, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Asher Wilcox, of Lawrence county, Indiana, is hereby authorized to erect a wing dam across the East Fork of White river at a point commonly known as the Indian Ford, on fractional section number thirty-three in township four north of range two east in the said county of Lawrence which shall not exceed three feet of perpendicular elevation above low water mark, and that the said dam be built and erected in such a manner as that the same shall not impede the downward passage of rafts, nor such water craft as is used in said river, nor the passage of fish: Provided, that the passway for said water craft shall not be less than forty feet in width, and shall be at least one foot below the mean height of said dam, with a sufficient apron or slope to secure the easy and safe navigation aforesaid.

SEC. 2. That if the said Asha Wilcox shall construct said dam in any other manner than is provided in this act, whereby any boat, raft, or craft in attempting to pass said dam shall be lost or in any wise injured or detained, he shall be liable to the owner or owners of said boat, raft, or craft in double or treble damages at the discrection of the jury trying the same, to be recovered before any court having

competent jurisdiction thereof.

SEC. 3. If the said dam shall be so injured by flood, the caving in of the banks, or any other unavoidable cause so as to interrupt the easy and safe navigation of water craft, &c. as is above provided, it shall be the duty of the said Asher Wilcox to have injury so done immediately repaired, and such repairing shall in no instance exceed the period of ninety days, and a failure to do so shall operate as a forfeiture of the privileges granted by this act; and any person or persons may sue out of the Lawrence circuit court a scire facias against the said Asher Wilcox, setting forth such refusal or neglect, and if upon the trial of the matters set forth in such scire facias, the same shall be found against the said Asher Wilcox, the said court shall render judgment thereon, that the privilege hereby granted be forfeited, and shall moreover order that the said dam be abated by the sheriff in the same manner that other nuisances are abated, and such scire facias, or any other process which may issue under the provisions of this act may in case the said Asher Wilcox cannot be found be served upon any agent or manager, or other person in the employ of the said Wilcox, about said dam, or business of said Wilcox thereto attached; and such service upon such agent, manager, or other person in the employ of the said Asher Wilcox as aforesaid, shall be taken and deemed to be service upon the said Asher Wilcox, of such process, and the same pro-

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and all acts done in that behalf shall be as legal and valid as though the same had been done at the time required by the above recited act.

SEC. 3. This act to be in force from and after its publication in the Indiana Journal, a paper published at Indianapolis.

# CHAPTER LXXXVII.

AN ACT to legalize the proceedings of the Board doing County Business in the County of Decatur.

#### [APPROVED FEBRUARY 7, 1838.]

WHEREAS, it has been represented to this General Assembly, that the justices doing county business for the county of Decatur, held their term on the Monday subsequent instead of the Monday preceding the circuit court of said county, in the month of March last: Therefore—

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the official acts of justices of the said county of Decatur, at their last term, be and the same is legalized.

This act shall be in force from and after its passage.

#### CHAPTER LXXXVIII.

AN ACT to authorize the construction of a Bridge over White river on the Michigan Road.

# [APPROVED FEBRUARY 12, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That David Bowers and Banner Lawhead of the county of Marion, be, and they are hereby appointed commissioners to superintend the construction of a bridge over White river on the Michigan road, during the ensuing year; who shall severally take an oath before some person duly authorized to administer oaths, faithfully and impartially to discharge the several duties imposed upon them by this act.

SEC. 2. It shall be the duty of said commissioners, as soon as they shall have been sworn into office as aforesaid, to proceed to raise by

voluntary subscription, five hundred dollars, in money or labor, or materials, to aid in the construction of said bridge, in such manner as will make it secure and available.

SEC. 3. And it is further made the duty of said bridge commissioners, so soon as they shall have secured the aforesaid subscription, to give notice either by written advertisement, set up in a suitable number of places, to give general publicity, or by publication in the several newspapers published at Indianapolis, giving at least thirty

days notice of the letting of said bridge.

SEC. 4. Said commissioners shall cause said bridge to be put under contract upon the most advantageous terms, due regard being had to the skill and ability of contractors, requiring good and substantial work, and such as shall be considered as permanent, and durable as can be made out of wooden materials; and of such a plan and construction as to admit wagens to pass and repass on said bridge without interfering with each other, and calculated so that it may at some future day be supported by the construction of stone piers and abutments; also, they shall require said bridge to be sufficiently floored, and weatherboarded with suitable plank, and well covered with shingles, before they receive it from the hands of the contractors, and the said bridge shall be a free bridge.

SEC. 5. If the commissioners of said bridge deem it advisable, and are of the opinion that the public interest require it, they may adopt the suggestion of the engineer, who surveyed the Michigan road, during the last season relative to a deflection of the road at the crossing of the river, provided convenient sites can be obtained for the abutments

of said bridge.

SEC. 6. And be it further enacted, That it is hereby made the duty of the Michigan road commissioner to deposit with the treasurer of State the amount of money appropriated by an act of the legislature, approved January 20th 1837, for the purpose of aiding in the construction of a bridge over White river, on the Michigan road, and likewise for the same purpose, shall deposite with the treasurer one third part of the balance of money now in his hands, after deducting such compensation for his past year's services, as shall be allowed him by the liquidating committee; and the remaining two thirds he shall pay over to the commissioners of the Eel river free bridge, for the purpose of assisting said commissioners in finishing the bridge over Eel river in Cass county.

SEC. 7. And it is herein further enacted, That William Polke be, and he is hereby continued commissioner of the Michigan road, for the special purpose of selling the residue of the Michigan road lands, and perfecting the titles to the same; and the proceeds of all future sales of said lands, said commissioner shall deposit with the treasurer of State, taking receipts therefor; deducting, however, ten per centum therefor for his services, and when he shall have finished all and severally the duties enjoined upon him by this act, he shall, in conclusion deposit the books and papers relating to his office with the auditor of

public accounts.

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ceedings shall be had to judgment and execution as through the process had been served upon the said Asher Wilcox: Provided, that where the boat, raft or craft of any person or persons shall be injured in attempting to pass said dam in such manner as that the owner or owners thereof shall be entitled to an action of damages in consequence thereof, the service of process may be had in such manner as is provided in this section and when process shall be served upon the agent, manager, or any other person in the employ of said Asher Wilcox, the said agent, manager, or other person shall be entitled to set up the same matters of defence in favor of the said Asher Wilcox, as he might do had process been served upon him personally; Provided also, that when the injury occasioned to said dam by flood, the caving in of the banks, or any other unavoidable cause as aforesaid, shall not be so removed in ninety days so as to afford easy and safe navigation to any boat, raft, or craft, passing down the said river, the said Asher Wilcox shall be liable to the owner or owners thereof in double damages for the de'ention of the said boat, raft, or craft, to be recovered before any court having competent jurisdiction thereof.

SEC. 4. If after the erection of said dam the said Asher Wilcox shall sell or dispose of the same, and the privileges thereunto appertaining to any other person or persons, the said person or persons purchasing the same shall in every particular be governed by the condi-

tions of this act.

This act to take effect and be in force from and after its passage.

#### CHAPTER LXXXV.

AN ACT relative to the Vincennes University.

[APPROVED FEBRUARY 17, 1838.]

Whereas by an act of the General Assembly of the State of Indiana territory, approved September 17, 1807, the number of trustees of the Vincennes University is fixed at fifteen, of whom a majority are required to form a quorum for the transaction of business; and whereas, by an act of Congress of the United States, approved April 20th, 1818, a tract of land being near five hundred acres, of great value, commonly called the Vincennes Commons, was granted to the trustees of the borough of Vincennes in trust to make sale of the said lands and to apply the proceeds to the payment of the expenses necessary to drain the ponds in the vicinity of the said borough, and the balance to pay over to the trustees of the Vincennes University for the use of the same; and whereas the trustees of the said borough are engaged in draining said ponds, and will shortly make sale of said lands, which will produce a large surplus, for the benefit of said University; and whereas

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it is reported that from neglect to supply the vacancies occasioned by death, or removal, from the state, in the board of trustees of said University, it is now doubted whether a lawful board of trustees can be

assembled; therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Thomas Alexander, Alexis Lekory, George R. Gibson, Joseph Jones, Hiram Decker, Samuel Hise, Robert N. Carnaw, Albert Badolet, and John B. Martin, are hereby appointed trustees of the Vincennes University to supply the vacancies in said board, and with the presenttrustees, Isaac Blackford, Nathaniel Ewing, John Law, John D. Hay, Robert Buntin, and Samuel Judah, shall form the board of the Vincennes University.

SEC. 2. The said trustees by this act appointed, shall possess the powers which belonged to their predecessors and none other, except that they may appoint as many professors as they think proper; And provided also, that nothing in this act shall be construed so as to give the trustees any right to or power over the college township, in Gibson county, or the funds which have heretofore accrued, or may hereafter accrue from the sale of Seminary township, and which have heretofore been appropriated to the support of the Indiana college.

SEC. 3. The board of trustees as herein constituted or a majority of them, may assemble at Vincennes and organize the said board whenever required by notice in the Vincennes Gazette, signed by any

two of them.

This act to take effect and be in force from and after its passage.

#### CHAPTER LXXXVI.

AN ACT to enable the School Commissioner of Ripley county to do certain acts.

# [APPROVED FEBRUARY 7, 1838.]

Be it enacted by the General Assembly of the State of Indiana, That it shall be duty of the school commissioner of Ripley county at the next March term of the circuit court of said county to do and perform all the requirements of the first section of an act approved February 7th, 1835, entitled "an act in furtherance of an act to provide a fund to encourage common schools," approved February 2, 1832, as though it had been done and performed at the time required by this act.

SEC. 2. The said school commissioners shall be governed in all respects by the provisions of the first section of the above recited act,

ver opposite to Washington street in the town of Attica; said ferry to be conducted as other ferries are, and to be regulated and governed by the laws now in force, or which may hereafter be in force, in relation to ferries.

SEC. 2. That all laws and parts of laws coming within the purview

of this act be, and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

#### CHAPTER XCIII.

AN ACT declaring a certain name a misprint.

[APPROVED, FEBRUARY 1, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the name of Allen D. Thorn in the act to incorporate the Mount Carmel and New Albany rail road company, approved February 4th, 1837, is and was intended to be Allen D. Thom.

SEC. 2. All acts done by him, by virtue of the act to which this is

amendatory, be, and the same are hereby legalized.

This act to take effect and be in force from and after its passage.

#### CHAPTER XCIV.

AN ACT authorizing John B. Gillasbey to erect a dam across the Wabash river.

# [APPROVED, FEBRUARY 17, 1838.]

- SEC. 1. Be it enacted by the general assembly of the State of Indiana, That John B. Gillasbey, his heirs and assigns be, and they are hereby authorized to erect a mill dam across the Wabash river at his millseat thereon, at or near the intersection of the Quaker trace road, and near the north-east corner of Jay county, for the purpose of erecting a grist and saw mill and other machinery, under the restrictions hereinafter mentioned.
- SEC. 2. That said John B. Gillasbey, his heirs and assigns, shall not raise said dam higher than four feet, nor so high as to overflow the land of any proprietor, without the consent of such proprietor, unless the said John B. Gillasbey shall make application to the circuit court of the county of Jay, for a writ of ad quod damnum, and pursue the law in such cases: Provided, that the said John B. Gillasbey be entitled

to enjoy the benefit of an act entitled "an act allowing and regulating the writ of ad quod damnum," as if said Wabash river had not been declared a navigable stream.

SEC. 3. The mill which is intended to be propelled by the water raised by the dam contemplated by this act, shall always be subject and liable for the damages that any individual may sustain in naviga-

ting the said Wabash river in consequence of said dam.

Sec. 4. Nothing in this act shall be construed to authorize the person named in the first section of this act, his heirs or assigns to obstruct the navigation of the Wabash river; and means of passage for all boats or water craft that could navigate said river, if said dam was not constructed shall be prepared and maintained at the expense of the owners of said dam: Provided also, That nothing herein contained shall at any time hereafter, prevent the state from diverting the water from said dam or any machinery connected therewith, or using the water in said river for any public purpose.

This act to be in force from and after its passage.

#### CHAPTER XCV.

AN ACT to amend an act entitled "an act to provide for draining Lost Creek in Vigo county," approved January 21, 1837.

# [APPROVED, FEBRUARY 1, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the route as surveyed by Peter Von Smith, the engineer appointed for that purpose, and adopted by the commissioners appointed under the act to which this is an amendment, for draining said creek, be, and the same is hereby declared a public highway for the purpose aforesaid, to extend from the termination of the said survey following

the main bed of the ravine to the Wabash river.

SEC. 2. If any person or persons shall conceive himself, herself or themselves aggrieved by the location of said route or the construction of the said work, they may, at any time within one year after the passage of this act, apply to the board of county commissioners of said county, by petition in writing, setting forth the cause of such grievance, and the said commissioners shall thereupon appoint three disinterested free-holders of said county, who after taking an oath faithfully and impartially to discharge their duties, shall proceed, to examine the premises, and also the advantages and disadvantages of the said drain, and shall thereupon make their report in favor or against damages being awarded to the claimants, and shall return the same to the said board of county commissioners.

SEC. 3. The said commissioners appointed under the act to which this is an amendment, are hereby authorized to proceed to the comple-

SEC. 8. And it is herein made the duty of the treasurer of State to receive and keep all funds herein authorized to be deposited into his hands, subject to the following disposition: first, that portion intended to aid in the construction of the White river bridge, shall be paid over upon the order of the said bridge commissioners, and the balance shall be and remain for the use of the Michigan road, subject to the control of the legislature.

SEC. 10. Said commissioners shall be allowed the sum of fifty dollars each, for their services in putting said bridge under contract, and

superintending the building of the same.

SEC. 10. All laws and parts of laws now in force, contravening the the provisions of this act, be and the same are hereby repealed.

This act to be in force from and after its passage.

#### CHAPTER LXXXIX.

AN ACT to legalize the proceedings of the trustees of Putnamville in the county of Putnam.

# [APPROVED FEBRUARY 19, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the acts of the trustees of the town of Putnamville in the county of Putnam, shall be taken and considerd as legal as if said trustees had been elected as the law directs.

This act to take effect and be in force from and after its passage.

#### CHAPTER XC.

AN ACT to vacate a part of Solomon Romig's addition to the town of Lafayette.

# [APPROVED JANUARY 20, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the addition to the town of Lafayette, laid out by Solomon Romig, as includes lots numbered eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, ninety-one and ninety-two, be, and the same is hereby vacated, and that so much of Fountain street in said addition

as lies east of Mississippi street, and between lots numbered eightynine and ninety, be, and the same is hereby re-vested in the original proprietor of said addition.

This act to take affect and be in force from and after its publication

in the Lafayette newspapers.

# CHAPTER XCI.

AN ACT relating to the town of Vernon.

# [APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the president and trustees of the town of Vernon in the county of Jennings, shall have power, and they are hereby authorized to apply the moneys arising from licenses granted by said corporation to retail ardent spirits in said town, to the improvement of the streets or sidewalks therein, or to such other improvements in said town as they may deem most advantageous to the citizens thereof.

SEC. 2. Before the paving any street or sidewalk in said town, such street shall be surveyed, and the proper grade thereof shall be marked and designated at the several corners thereof, and the paving shall conform to and correspond with the grade so marked and desig-

nated.

This act shall be in force from and after its publication in the Vernon Visitor.

# CHAPTER XCII.

AN ACT to provide for the establishment of a certain ferry therein named over the Wabash river at Attica.

# [APPROVED FEBRUARY 12, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Nathaniel Wilson, Joseph J. Eldridge and Isaac Colman, citizens of the county of Fountain, be, and they are hereby authorized and empowered, to establish a horse boat ferry across the Wabash rition or such extension of the said drain as they may deem necessary to effectually carry off the waters of said creek and confine the same to a proper channel; and for the purpose aforesaid, and for the payment of such damages as may be assessed under the section of this act, they are hereby authorized to assess such additional taxes on the lands and on lots heretofore valued by them from time to time, as shall be sufficient to pay the said damages and the additional expenses of the said work, they shall also have power to review and correct any former valuation which they may have made on any tract or lot of land.

SEC. 4. The said board of county commissioners shall also have the control of the bank which passes through the dam erected, in the construction of the said work, and may from time to time make such orders relative to the quantity of water to be discharged through the

same, as they may think useful and beneficial.

SEC. 5. On the report being made under the second section of this act, the board for good cause shown, by either party, may set aside the same, and order a new examination, which shall be final, and if damages are assessed, they shall be paid, but if no damages are assessed, the claimant shall pay the costs of such application to be taxed by the said

county commissioners.

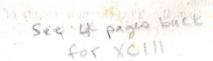
SEC. 6. The sixth section of the act to which this is an amendment. be and the same is hereby repealed, and if any person shall consider himself or herself aggrieved by the valuation of the benefits which his or her land may receive by the construction of said work, they may at any time within six months after the valuation aforesaid shall have been made, and not afterwards, apply to the said board, who shall hear and determine the same, and whose decision in the premises shall be final.

SEC. 7. If any person or persons shall wilfully and maliciously obstruct the water of the said drain, or in any way injure the works thereof, he, she or they so offending upon conviction by indictment shall be subject to a fine not exceeding two hundred dollars, to be recovered

before any court having competent jurisdiction.

SEC. 8. In case any person who may have taxes assessed against him under this act, and the act to which this is an amendment, shall not be possessed of personal property, from which the said tax can be levied, it shall be the duty of the sheriff to levy the same from the real estate of the person or persons so charged, and in discharge of the duties imposed by this act and the act to which this is an amendment the said sheriff shall be subject to the same proceedings and liabilities as is provided for by law on the collection of money on executions.

This act to take effect and be in force from and after its passage.



#### CHAPTER XCVI.

AN ACT for establishing a State Road fron Landing Ferry to the Patriot and Versailles Road.

#### [APPROVED FEBRUARY 17, 1839.]

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That Wm. Cunningham, James Davis, and George Palmer, be, and they are hereby appointed commissioners, to view, mark, lay out, and locate a State road from Landing Ferry, on the Ohio river, in the county of Switzerland, the best practicable way to the Patriot and Versailles road, in the direction of Versailles from said Ferry.

Sec. 2. Said commissioners, or any two of them, after having taken an oath or affirmation, faithfully and impartially to discharge their duties, shall any time before the first day of July, 1838, view, mark, and locate said road, and within thirty days after making said location to file their report thereof in the recorder's office of said county.

Sec. 3. Said commissioners shall each be allowed one dollar per day, for each and every day they may be necessarily employed in locating said road, to be paid out of the county treasury of the said county of Switzerland.

This act to take effect and be in force from and after its passage.

#### CHAPTER XCVII.

AN ACT for the formation of the County of Blackford.

# [APPROVED FEBRUARY 15, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That from and after the first Monday of April next, all that tract of country included in the following boundaries, shall form and constitute a new county to be named and designated by the name of the county of Blackford, to wit: Beginning at the north-east corner of section number five in township number twenty-four, range number twelve east; thence west on the south boundary of Wells county, to the east boundary of Grant county; thence south with the eastern boundary of said county, to the north boundary of Delaware county; thence east to the south-east corner of section eight, township twenty-two, range twelve east; thence north on the nearest section line, to the place of beginning.

SEC. 2 That the new county of Blackford shall from and after

the first Monday of April next, enjoy all the rights and privileges, benefits and jurisdictions which do, or may properly belong or appertain to separate, or independent counties: Provided, however, That the county of Blackford shall be attached to the county of Jay, for judi-

cial purposes, until otherwise provided by law.

Sec. 3. That Wm. H. Parmelee, of the county of Wells, and Benjamin Knight, of the county of Grant, and Tapley Gaut, of the county of Huntington, and Isaac Branson of the county of Delaware, and E. Dailey, of the county of Adams, be, and they are hereby appointed commissioners, agreeably to an act entitled "an act fixing the seats of justice in all new counties to be hereafter laid off." The commissioners aforesaid shall meet on the first Monday in June next, at the house of Andrew Boggs, in said county of Blackford, and shall immediately proceed to discharge the duties assigned to them by law; and it shall be the duty of the sheriff of the county of Jay to notify said commissioners, either in person or by writing, of their appointment, on or before the first Monday in May next, and for such service he shall receive such compensation as the law requires.

SEC. 4. The circuit court and the board of county commissioners, when elected under the writ of election from the executive department, shall meet at the house of Andrew Boggs, and hold their first session, and adjourn to as near the centre of the county as a convenient place can be had, until the public buildings shall have been erected.

SEC. 5. The board doing county business may, as soon as elected and qualified, hold special sessions, not exceeding three, during the first year after the organization of said county, and shall appoint an assessor, and make all other necessary appointments, and do and perform all other business that might have been necessary to be performed at any other regular session, and take all necessary steps to collect State and county revenue, any law or usage to the contrary notwith-standing.

This act to be in force from and after its passage.

# CHAPTER XCVIII.

AN ACT to amend the 16th section of an act, enlitled, an act relating State Roads, approved Feb. 6, 1837.

[APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the commissioners, or any one of them mentioned in the said section of the said act, be authorized to continue the location of the road

provided for in said act from the centre of Lake county to the Illinois State line in the direction of Chicago.

This act to take effect and be in force from and after its passage.

## CHAPTER XCIX.

AN ACT to locate a State Road from the Kankakee to Laporte.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Joseph Blake, John Brown and James Frazer, of the county of Laporte, be and the same are hereby appointed as commissioners to view, mark, and locate a State road from the bridge across the Kankakee river, in town thirty-two north, of range five west, by the way of Belmont to the town of Laporte.

SEC. 2. Said commissioners after taking an oath faithfully and impartially to discharge the duties hereby required of them, shall at a convenient time proceed to view and locate said road, and if after due examination, they shall be of opinion that said road would be of public utility, they shall cause a survey thereof to be made and the same to be recorded, and in all respects to be governed by the provisions of an act entitled, "an act defining the duties of commissioners appointed to locate State roads, approved Feb. 1, 1834.

This act to take effect and be in force from and after its passage.

#### CHAPTER C.

AN ACT declaring certain Roads therein named, State Roads.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the county road leading from Bristol in Elkhart county, to the north line of this State, in the direction of Mellville, in Michigan, is hereby declared a State road.

SEC. 2. And the county road leading from Bristol to the State line in the direction of White Pigeon, in Michigan, is hereby declared a State road.

SEC. 3. That so much of the State road leading from the Fort

Wayne and South Bend State road, commencing near the west line of Elkhart county to the centre of Lagrange county, as lies west of the State road leading from Goshen to Elkhart, in Elkhart county, be and the same is hereby vacated.

This act to be in force from and after its passage.

#### CHAPTER CI.

AN ACT to locate a state road therein named.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Harrison Barnet of Cass county, be, and he is hereby appointed a commissioner to view, mark and locate a state road from Daniel Dale's in White county to intersect the Michigan road at or near the eighth mile post, north of Logansport in Cass county.

SEC. 2. The commissioner aforesaid after being duly qualified, shall proceed on the first Monday of May next or some subsequent day, and locate said road on the nearest and best route between the aforesaid points, having due regard to individual rights, so as not to materially increase the distance of said road.

SEC. 3. Said commissioner may if he deems it necessary, take to his aid a surveyor, marker and chain carriers, each of whom, together with the said commissioner, shall receive one dollar and fifty cents per day for their services, the same to be paid by the several counties through which said road passes, in proportion to the distance said road runs in each of said counties, to be paid out of any of the three per cent. fund which has been, or may hereafter be appropriated to said county.

SEC. 4. It shall be the duty of said commissioner to file in the office of each clerk of the several counties through which said road passes, within thirty days after the location of the same, a complete statement of said survey and location, which shall be by said clerk recorded in the record book of their respective counties.

SEC. 5. The board doing county business in Cass county shall have power to fill all vacancies, should any occur, and the person so appointed shall be governed in all things by the provisions of this act.

This act to take effect and be in force from and after its passage.

#### CHAPTER CII.

AN ACT to establish a University in the State of Indiana.

#### [APPROVED FEBRUARY 15, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be, and hereby is created and established a university adjacent to the town of Bloomington, in the county of Monroe, for the education of youth in the American, learned and foreign languages, the useful arts, sciences (including law and medicine,) and literature, to be known by the name and style of the "Indiana University," and to be governed and regulated as hereinafter directed.

SEC. 2. There shall be a board of trustees appointed, consisting of twenty-one persons, residents of this state, who shall be, and hereby are constituted a body corporate and politic, by the name of "the trustees of the Indiana University," and in their corporate name and capacity, may sue and be sued, plead and be impleaded, in any court

of record, and by that name shall have perpetual succession.

SEC. 3. The said trustees shall fill all vacancies which may occur in their own body, elect a president of the board, secretary, treasurer, and such other officers as may be necessary for the good order and government of said corporation, and shall be competent in law and in equity, to take to themselves and their successors, in their said corporate name, any estate, real, personal or mixed, by the gift, grant, bargain, sale, conveyance, will, devise or bequest, of any person or persons whomsoever, and the same estate, whether real, personal or mixed, to grant, bargain, sell, convey, demise, let, place out on interest, or otherwise dispose of, for the use of the said university, in such manner as to them shall seem most beneficial to the institution, and to receive the rents, issues, profits, income, and interest thereon, and apply the same to the proper use and support of the said university, and generally in their said corporate name, shall have full power to do and transact all and every the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person, body politic or corporate may or can do, in the management of their own concerns, and to hold, enjoy, exercise and use the rights, powers and privileges incident to bodies politic or corporate, in law and equity.

SEC. 4. The said trustees shall cause to be made for their use, one common seal, with such devices and inscriptions thereon as they shall think proper, under and by which all deeds, diplomas and certificates and acts of the said corporation shall pass and be authenticated.

SEC. 5. The said trustees or any ten of them shall meet at Bloomington, in the county of Monroe, on the last Monday of September next in the year (1838), and after severally taking an oath or affirmation,

faithfully and impartially to discharge the duties by this act enjoined, shall proceed to organize a board, by electing one of their members as president; and the board when so formed, shall appoint a secretary and treasurer, who shall severally, before entering upon the duties of their respective offices, take an oath or affirmation, faithfully and impartially to perform the duties appertaining to their respective offices; and the treasurer shall give bond with three or more securities to be approved by said trustees, in the sum of twenty thousand dollars, payable to the state of Indiana, and conditioned for the faithful discharge of the duties of his office of treasurer to the said corporation, and which bond executed and approved as aforesaid, shall be deposited in the office of the treasurer of state.

SEC. 6. The said board of trustees when organized in manner aforesaid, shall forever thereafter determine the time of their future meetings, the manner of notifying the same, and act on their own adjournments as to to them shall seem most expedient, and shall from time to time, as occasion may require, make and ordain reasonable rules, ordinances and by-laws, with reasonable penalties, for the good government of the university, and the regulation of their own body, not repugnant to

the laws and constitution of this state.

SEC. 7. The said board of trustees shall, from time to time, as the interest of the institution may require, elect a president of said uniniversity and such professors, tutors, instructors and other officers of the same, as they may judge necessary for the interest thereof, and shall determine the duties, salaries, emoluments, responsibilities, and tenures of their several offices and designate the course of instruction in said university.

SEC. 8. The said board of trustees shall have full power to remove any one of their own body for misconduct, breach of the by-laws or gross immorality, and may at any time they may deem it necessary for the good of the institution, remove any of the officers of said university or

corporation and appoint others in their stead.

SEC. 9. The president, professors and tutors shall be styled the faculty of said university; which faculty shall have the power of enforcing the rules and regulations adopted by the said trustees for the government of the students, by rewarding or censuring them, and finally by suspending such as, after the necessary admonition, shall continue refractory, until a determination of a quorum of the trustees can be had thereon; and of granting and confering, by and with the approbation and consent of the board of trustees, such degrees in the liberal arts and sciences, including those of law and medicine as are usually granted and conferred in other universities in America, to the students of the university, or to others who by their proficiency in learning or by other meritorious distinction, may be entitled to the same, and to grant unto such graduates, diplomas, or certificates, under their common seal; and signed by the faculty to authenticate and perpetuate the memory of such graduation.

SEC. 10. No president, professor or other officer of the University shall, while acting in that capacity, be a trustee, nor shall any president, professor, tutor, instructor or other officer of the university, ever

be required by the trustees to profess any particular religious opinions, and no student shall be denied admission, or refused any of the privileges, honors or degrees of the university, on account of the religious opinions he may entertain; nor shall any sectarian tenets or principles be taught, instructed or inculcated at said university, by any president, professor, tutor, or instructor thereof; Provided, however, that if at any meeting of the board of trustees of the university, there should be one wanting to make a quorum, then and in that case, the president of the faculty of said university, shall for the time being be considered as a member of said board, and have power to act as such, but so soon as a quorum of the said board shall be present, then the president shall no longer sit as a member of said board.

SEC. 11. His excellency David Wallace, governor of the State of Indiana (who shall be ex officio vice president of the board and his successor in office forever) William Hendricks of the county of Jefferson, Seth M. Leavenworth of the county of Crawford, David G. Mitchell. of the county of Harrison, James M. Farrington, of the county of Vigo, John Law, of the county of Knox, Rev. Allen Wiley of the county of Montgomery, Nathaniel West and Isaac Blackford, of the county of Marion, Jesse L. Holman, of the county of Dearborn, Jonathan Nichols, Paris C. Dunning, James Blair, Chester G. Ballard, Joshua O. Howe, Leroy Mayfield, and Wm. Turner of the county of Monroe, Robert Dale Owen, of the county of Posey, Richard W. Thompson, of the county of Lawrence, Samuel K. Hoshour, of the county of Wayne, George W. Ewing, of the county of Cass, and Hiram A. Hunter, of the county of Gibson, shall be, and hereby are appointed trustees of said university agreeably to the provisions of thisact, and shall hold their first meeting as herein before directed; and should any ten of them (who shall at all times be necessary to constitute a quorum for the transaction of business: Provided, however, that deficiency of one may be supplied in the manner heretofore prescried in the tenth section of this act,) fail to meet on the said last Monday of September next, the Governor of this state is hereby authorized and required to appoint some subsequent day for the meeting of said trustees, giving to each of them twenty days notice thereof in writing, and said trustees or a quorum of them when convened in pursuance of such notice, shall proceed to organize the board in manner herein before directed; and the president of the university shall be empowered to call occasional meetings of the trustees, in such manner as the board of trustees may by their by-laws direct.

Sec. 12. That all moneys which have heretofore, or which may hereafter arise from the sales of the seminary townships of land, in the counties of Monroe and Gibson, shall be, and forever remain a permanent fund, for the support of said university, and the interest arising from the amount of said sales, together with the amount of the sales of the three reserved sections in the seminary township, situated in the county of Monroe, the residue of the unsold sections aforesaid, and all the buildings which have been erected adjacent to the town of Bloomington, in the said county of Monroe, and which are now used by and

belong to the Indiana College, together with all the estate either real, personal, or of any description whatever, belonging to, or in any wise connected with the Indiana College, as the property of the state, and all gifts, grants, and donations which have been or hereafter may be made, previous to the taking effect of this act, for the support of the Indiana College, shall be, and hereby are forever vested in the afore. said trustees, and their successors, to be controlled, regulated, and appropriated by them in such manner as they shall deem most conducive to the best interest and prosperity of the institution: Provided, that the said trustees shall conform to the will of any donor or donors in the application of any estate which may be given, devised, or bequeathed for any particular object connected with the institution, and that the real estate hereby vested in the said trustees and their successors, shall be by them held forever for the use of said university, and shall not be sold or converted by them to any other use whatsoever.

SEC. 13. That it shall be the duty of the secretary of said corporation, to keep a true and faithful record of all the proceedings of said board of trustees, in a suitable book to be procured by them for that purpose, and make such copies and transcripts of the orders and proceedings of the said board of trustees, as may from time to time be required, and the same duly certify, under the seal of the corporation, and for his services he shall receive such compensation as said trustees may from time to time allow, to be paid out of any funds in the treasu-

ry of said corporation, not otherwise appropriated.

SEC. 14. That it shall be the duty of the treasurer of said corporation, to keep a full, true, and faithful account of all moneys by him received, by virtue of his said office, in suitable books, to be for that purpose provided, and pay such moneys out from time to time as may be required by and upon the order of said board of trustees, duly certified by the secretary, and keep a similar account of all such disbursements, and furnish said board of trustees, whenever they may require the same, a full, true, and complete statement of such receipts and disbursements, and exhibit to them for their inspection, his original books of entry, and also submit his books to the inspection and examination of the board of visitors of said university, which may, at any time hereafter, be appointed by the General Assembly of this state, and shall moreover annually transmit to the governor of this state, to be by him laid before the General Assembly thereof, a true and complete statement of the annual receipts and expenditures of said corporation; and should said corporation ever be dissolved by legislative enactment, or otherwise, it shall in such case be the duty of said treasurer, to pay over and deliver to the treasurer of state, for the use of this state, all moneys and funds in his hands derived from the state belonging to said corporation at the time of such dissolution; and should any treasurer of said corporation at any time be guilty of any defalcation in the discharge of the duties of his said office, the said trustees shall havethe right of an action therefor, against said treasurer and his sureties on his official bond, in the name of the State of Indiana, for the use of said trustees, and of prosecuting the same to final judgment and recovery,

or in case of dissolution of said corporation, such action shall be sustained for the use of the state.

SEC. 15. That the power and authority of the present trustees of the Indiana College, over and concerning the said institution, the funds, estate, property, rights and demands thereof shall forever cease and determine, from and after the organization of the board of trustees of [the] Indiana University named in this act: and all the funds, estate, property, rights, demands, privileges and immunities, of what kind or nature soever belonging or in anywise appertaining to said Indiana College, shall be and the same are hereby invested in the trustees of the Indiana University appointed by this act, and their successors in office, for the uses and purposes only of this said university, and the said trustees and their successors in office shall have, hold, possess, and exercise all the power and authority over the said institution, and the estate and concerns thereof in the manner herein before prescribed.

SEC. 16. That the constitution of said university herein and hereby declared and established, shall be subject to be changed, altered, or amended by the legislature of this state. All laws or parts of laws coming within the purview of this act, are hereby repealed.

This act to take effect and be in force from and after its passage.

# CHAPTER CIII.

AN ACT to change the name of the town of Carthage, in Harrison county-

# [APPROVED FEBRUARY 7, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the name of the town of Carthage in the county of Harrison, be, and the same is hereby changed to the name of Palmyra; and the name of the said town of Carthage shall hereafter be known and called in all public transactions by the aforesaid name of Palmyra; Provided however, that the change shall in no way affect any contract heretofore made, or any public or private rights.

This act to take effect and be in force from and after its passage.

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#### CHAPTER CIV.

AN ACT to locate a State Road therein named.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Robert Bedwell of the county Sullivan, and Austin Medley of the county of Knox, be, and they are hereby appointed commissioners to run, mark, and locate a state road from Edwardsport in the county of Knox, to a point on the Vincennes and Eel river road, near Eli Newkirk's smith shop where the road commenced leading from thence via Adam Wilson's to the Brick Meeting House in Vigo county.

SEC. 2. The aforesaid commissioners shall meet at Edwardsport on the first Monday in June next, or so soon thereafter as shall suit their convenience, and proceed to discharge the duties enjoined upon them by this act conformably to law.

This act to take effect and be in force from and after the first day of June next.

# CHAPTER CV.

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AN ACT to establish a State Road therein named.

# [APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the county road as now established from Rockville, the county seat of Parke county, by the way of Roseville to the line dividing the counties of Parke and Vigo, be, and the same is hereby declared and established a state road.

SEC. 2. Be it further enacted, That the second section of an act to vacate that part of the state road as lies between Lemuel Branson's and Serring's distillery, in the county of Parke, approved February 3d, 1837, be, as the same is hereby repealed.

This act to take effect and be in force from and after its publication.

#### CHAPTER CVI.

AN ACT authorizing the sale of certain School Lands therein named, and for other purposes.

# [APPROVED JANUARY 1, 1838.]

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That Milton M'Phetridge, school commissioner of Monroe county, or his successors in office, be, and he is hereby authorized and required to sell all the lands which were granted to the citizens of Congressional township, number eight in range number one west in the county aforesaid, by virtue of an act of the Congress of the United States, entitled an act for therelief of the citizens of the reserved township, in Monroe county in the state of Indiana, approved 23d June, 1836.

SEC. 2. That Milton M'Phetridge, Samuel Patten, and Daniel Shields, be, and they are hereby appointed appraisers of said lands, whose duty it shall be to proceed to said lands and appraise them, dividing said lands into such sized lots as they may deem expedient for the interest of the township aforesaid, and it shall be their duty to make out a plat of said lands, marking distinctly each separate tract of land thereon, designating the number of acres, with the minimum price of the same, which said minimum price the said appraisers are hereby authorized to fix: Provided however, that none of said lands shall be appraised at a less price than one dollar and twenty five cents per acre; Provided further, that none of the said lands shall be sold at a less sum per acre than the minimum price to which it shall have been appraised, and the plat aforesaid, or executed copy thereof, shall be by said appraisers deposited with the clerk of said township whose duty it shall be to record the same within thirty days after its delivery to him in a book to be by him kept for that purpose.

SEC. 3. That the school commissioner aforesaid or his successors in office, shall sell said lands upon the following terms, to-wit: One fourth of the purchase money shall be paid in advance, and the remaining unpaid part may at the option of the purchaser, remain on interest at the rate of six per cent. per annum, payable annually in advance for ten years, and if said lands or any of them shall not at said sale sell for the minimum price affixed to each of said tracts, then the commissioner aforesaid shall keep his office open at his residence in Monroe county for the entry of the same at the minimum price at private sale.

SEC. 4. That the commissioner aforesaid shall previous to the sale of said lands, and after they shall have been appraised by the aforesaid appraisers, or any two of them, give public notice in the Indiana Democrat and Indiana Journal, printed at Indianapolis, sixty days previous to the day of sale, and also by setting up written advertisements in three public places in Muncietown in Delaware county, that he will on a day to be named in said advertisements, proceed to sell said lands

to the highest and best bidders, and that said sale will continue from day to day until all of said lands are offered at sale.

SEC. 5. The commissioners aforesaid shall execute to each of the purchasers of any of said lands a certificate of purchase in the same form and manner as is prescribed in an act entitled "an act incorporating Congressional townships, and providing for public schools therein," approved February 6th, 1837; and the monies arising from the sales of said lands shall be loaned out to the citizens of said congressional township, number eight, in range number one west by the commissioner aforesaid, who shall given ten days' notice of the time and place of loaning said moneys: Provided however, that if all of said moneys are not loaned out to the citizens of said township within ten days after the said commissioner shall have commenced loaning, then, and in that case the commissioner aforesaid shall be authorized to loan the residue of said moneys to any other citizens of Monroe county.

SEC. 6. The commissioner aforesaid shall not loan a greater amount of said money to any one individual than two hundred dollars, and any amount of said moneys loaned over one hundred dollars, shall be loaned upon the same conditions that are required in the act entitled an act incorporating congressional townships, and providing for public schools therein, approved February 6th, 1837; Provided however, that in loaning any of said moneys the commissioner aforesaid may take as security therefor a mortgage upon lands held by deed, patent, or any other good and sufficient title from the state of Indiana, and all sums of said moneys loaned of one hundred dollars and under may be loaned upon personal security alone, the borrower giving note and approved security payable three years after the date thereof: Provided however, that the school commissioner shall have the right to demand other and additional security of the borrower at any time within three years by giving the borrower ten days' previous notice in writing that said additional security will be required of him, and the commissioner aforesaid in taking an obligation for the payment of any money loaned of the sum of one hundred dollars, or any less amount shall make it a condition in said obligation that said additional security may be required upon the terms aforesaid, and on failure of the borrower to give such additional security when demanded as above, then, and in that case said obligation is to be considered as due and payable immediately, and it shall be the duty of the commissioner aforesaid to proceed to collect the amount of the obligation held on said borrower and his security or securities.

SEC. 7. The proceeds arising from the sale of said lands shall be appropriated to the support of common schools in said township in the same manner as is prescribed by the act entitled an act incorporating Congressional townships and providing for public schools therein, approved February 6th, 1837; and the said township in establishing and conducting of schools in said township shall be goverened by all its provisions and such other acts, if any, as may be amendatory thereto by the General Assembly of the State of Indiana; and the said school commissioner shall be subject to all the duties and liabilities that school

commissioners in other counties in this state are subject to by virtue of the provisions of the before recited act in relation to common schools.

SEC. 8. The school commissioner shall defray all necessary expenses of, and appertaining to the sales of said lands out of the funds of said township; and the commissioner aforesaid and appraisers aforesaid shall be allowed for their services a reasonable compensation exclusive of the necessary expenses, which shall be kept and charged for separately. The allowances to the said several officers shall be made by the board doing county business in and for Monroe county; and the said commissioner for his services in loaning said moneys in sums of one hundred dollars or less from time to time shall receive such compensation therefor as the board doing county business in the county aforesaid may allow.

This act to be in force from and after its passage.

# CHAPTER CVII.

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AN ACT to locate a state road in Vigo county.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That George Hassey and Samuel Dickerson of the county of Vigo, be, and they are hereby appointed commissioners to locate a state road commencing at Lockport in Vigo county; thence by locks No. two and three on the Cross-cut canal; thence to Johnson's mill on Honey creek; thence to Chase V. Chamberlain's steam mill; thence to Creel's mill on Otter creek; from thence on the best route, to intersect the state road leading from Terre Haute to Rockville, near the house of Wm. Adams in Vigo county; said commissioners shall have power to follow any county road leading in the aforesaid direction, when it will not materially increase the distance of said road from point to

SEC. 2. That said commissioners, on the first Monday of April next, or at some subsequent day they may agree on, after taking an oath, faithfully to discharge the duties assigned to them by this act, shall proceed to locate said road between the points aforesaid.

SEC. 3. That said commissioners, in the discharge of said duties, shall be governed by the provisions of the "act defining the duties of commissioners appointed to locate state roads," approved February 1st, one thousand eight hundred and thirty-four.

SEC. 4. This act to be in force from and after its passage.

# CHAPTER CVIII.

AN ACT relative to a certain state road in Clay county.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the citizens of Clay county shall not be obliged to open the state road from New Brunswick in said county in the direction of Carlisle in Sullivan county more than twenty feet in width, any law to the contrary notwithstanding.

SEC. 2. This act to be in force from and after its publication.

# CHAPTER CIX.

AN ACT to locate a state road therein named.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That David Miller, (merchant) of Cass county, be, and he is hereby appointed a commissioner to view, mark and locate a state road from the town of Logansport in Cass county, passing by the way of Cassville and Louisburgh, and continuing thence eastwardly until it shall intersect the old state road running from Logansport to Peru at or near David Carebies.

SEC. 2. The commissioner, after being duly qualified, shall proceed on the first Monday of May next, or on some subsequent day, to view, mark and locate said road, and he is hereby authorized to take to his assistance a surveyor, chain carrier and marker, who shall be allowed such compensation as may be agreed upon between them and said commissioner, or as the board doing county business in Cass county may consider right and reasonable, and the said commissioner shall be allowed the sum of one dollar and fifty cents per day for each day necessarily employed in locating said road, all of which expenses shall be paid out of the three per cent. fund belonging to Cass county, not heretofore otherwise appropriated: Provided, that it shall be the duty of said commissioner to file with the clerk of Cass county, within thirty days after having made the location, a report thereof, which shall be by said clerk recorded in the record book kept for that purpose.

This act to take effect and be in force from and after its passage.

#### CHAPTER CX.

AN ACT to authorize the re-location of a state road in Gibson county.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James Smith, James Lassly and Thomas McMullen of Gibson county, be, and they are hereby appointed commissioners to re-locate the state road from Princeton to the mouth of Patoka on the Wabash river in Gibson county.

SEC. 2. The aforesaid commissioners shall meet in the town of Princeton on the first Monday in May next, or as soon thereafter as convenient, and after taking an oath before some justice of the peace, faithfully to discharge the duties required of them by this act, shall proceed to re-locate the aforesaid road as previously located and examined, if any changes are necessary; if so make such re-locations as they may consider necessary for the public good, having due regard to private property; they shall be authorized to employ any assistance that they may consider necessary in said location.

SEC. 3. That it shall be the duty of the said commissionors, within ten days after they have completed the review and location of said road, to report the same and cause it to be filed in the clerk's office in said county, which shall be considered the permanent location of said road.

SEC. 4. If any vacancies shall happen by refusal to serve or otherwise, of any of the aforesaid commissioners, the board doing county business shall fill the same.

SEC. 5. The board doing county business in the county aforesaid shall make reasonable allowances to those concerned in the aforesaid location to be paid out of the county treasury.

This act to take effect and be in force from and after its passage.

# CHAPTER CXI.

AN ACT for opening and repairing public roads and highways in the county of Hancock.

# [APPROVED FEBRUARY 7, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all able bodied white male citizens of twenty-one years, and under fifty years of age, who have resided in the county of Han-

cock for three months previous to the passage of this act, shall work upon the public roads and highways of their respective districts, four days each year for their personal privileges, and no more, any law to the contrary notwithstanding; due notice of the time and place of such working of public roads and highways of said county shall be given by the proper supervisor thereof, as is provided in an act entitled "an act for opening and repairing public roads and highways," approved February 10th, 1831.

Sec. 2. So much of an act entitled "an act to incorporate the town of Greenfield in Hancock county," approved February 6, 1837, as exonerates the citizens of said town from working public roads and highways, is hereby repealed, and the said citizens shall in addition to the two days work required of them to be rendered on the streets and alleys of said town, shall perform either in person or by satisfactory substitute, two days work on the public roads and highways of their district.

All laws and parts of laws contravening the provisions of this act are hereby repealed.

This act to take effect from and after its passage.

#### CHAPTER CXII.

AN ACT to re-locate a part of the Bloomington and Rockport State Road, and to establish a State Road therein named.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Robertson Graham be, and he is hereby appointed a commissioner to view, mark, and re-locate so much of the Bloomington and Rockport State road as lies between the house of Mark Treceblood and Springville, in Lawrence county, and to view, mark, and locate a State road from said Treceblood's to the county line between Lawrence and Monroe counties, on the direction to Bloomington via Elijah Wright's, to intersect a road known as the stage road from Springville to Bloomington.

SEC. 2. That the sum of fifty dollars out of the unappropriated portion of the three per cent. fund belonging to the county of Lawrence be, and the same is hereby appropriated to the improvement of said road, to be applied under the superintendance of said commissioner.

Sec. 3. That that part of the Bloomington and Rockport State road, which lies between the house of Mark Treceblood and Spring-

ville, and is not used in the location of the road, as provided for in the first section of this act, be, and the same shall be vacated, so soon as said road shall be opened.

This act to take effect from and after its passage.

# CHAPTER CXIII.

AN ACT to change a part of a State Road therein named.

[APPROVED JANUARY 6, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the State road leading from New Castle, in the county of Henry, to Lafayette, in the county of Tippecanoe, as passes through the town of Strawtown, in the county of Hamilton, be so changed, as to pass on Lafayette street, through the town of Strawtown.

This act to take effect and be in force from and after its passage.

# CHAPTER CXIV.

AN ACT to establish a State Road therein named.

[APPROVED JANUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the county road as now established from Rockville, the county seat of Parke county by the way of Roseville, to the line dividing the counties of Parke and Vigo, be and the same is hereby declared and established a State road.

SEC. 2. Be it further enacted, That the second section of an act to vacate that part of the State road as lies between Lemuel Branson's and Serring's distillery in the county of Parke, approved February 3. 1837, be and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

# CHAPTER CXV.

AN ACT to make a State Road through a part of Warren and Vermillion counties.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Perrin Kent of the county of Warren, be, and he is hereby appointed a commissioner to view, mark, and locate a state road from a point beginning on the road leading by Parish's Grove to Chicago, at or near Sugar creek, in Warren county, from thence to the line dividing Warren and Vermillion counties, at the first section line, east of the state line, thence south on said line to a county road, near John Holderways, thence with said road to the north-eastern bend of the Big Vermillion river, commonly known as the Slip Bank.

SEC. 2. It shall be the duty of said commissioners, on the first Monday in April next, or some subsequent day, after taking an oath faithfully and impartially to discharge the duties enjoined on him by the provisions of this act, to proceed to view, mark, and locate said road, and shall within thirty days after making said location, cause a report thereof to be filed in the clerk's office of Warran and Vermillion counties, which shall be by the clerks of said counties, recorded in the order book of the board doing county business, within twenty days after it is filed in his office, and the said board of county commissioners, in each of said counties, through which said road may run, shall order the same opened and kept in repair, as other roads not exceeding forty feet in width.

SEC. 3. The board of commissioners in the county of Warren, in case of the death or refusal of said commissioner to qualify, shall appoint some other suitable person, to perform the duties hereby required of the said commissioner, who shall in all things be governed by the

provisions of this act.

SEC. 4. The said commissioner shall be allowed the sum of two dollars for each day he may be employed in locating said road, and the markers and chain carriers, shall be allowed such sum as may be agreed upon by them and the said commissioner, all expenses to be paid out of the county treasury, each in equal proportion, according to the length of the road.

This act to take effect and be in force from and after its passage.

#### CHAPTER CXVI.

AN ACT to relocate a part of the Bloomington and Bloomfield state road.

[APPROVED FEBRUARY 17, 1838.]

Be it enacted by the General Assembly of the State of Indiana, That David Rogers and Joseph Baugh of Monroe county, be, and they are hereby appointed commissioners to re-locate so much of the Bloomington and Bloomfield state road as lies between Murphey's Horse Mill and Bloomington in Monroe county.

SEC. 2. That the commissioners aforesaid shall on the first Monday in March next, or some subsequent day, after having taken an oath faithfully and impartially to discharge the duties assigned them by this act, proceed to view, mark, and re-locate said road on the nearest and best ground between the points named; the commissioners aforesaid shall if they think necessary take to their assistance a surveyor chainmen and markers; a plat of which location they shall file in theclerk's office for record in the county of Monroe within twenty days after said location.

SEC. 3. It shall be the duty of the board doing county business in Monroe county, at their next meeting after the said location is made to cause the same to be opened any width not exceeding forty-eight feet, and that part of the three per cent. fund heretofore appropriated to the opening of said road be appropriated and expended on the road as relocated by the commissioners heretofore appointed for that purpose; and when said location is made and the road opened ready for public use, any part or parts of the old road so far as the same lies in Monroe county, be, and the same is hereby vacated.

SEC. 4. That the commissioners aforesaid, and the hands necessarily employed by them in said re-location be allowed a reasonable compensation for their services by the board doing county business in and for the county of Monroe.

This act to take effect and be in force from and after its passage.

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# CHAPTER CXVII.

AN ACT to provide for the opening and repairing public roads and highways in the county of Gibson.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter in the county of Gibson, each and every able bodied

man of the age of twenty-one years and under fifty, except such persons as are by the general laws now excepted, and such other persons as shall for good cause be excused by the board of commissioners, shall be subject to work on roads and highways in said county of Gibson in the road district in which he resides, whenever the supervisor of such district shall consider it necessary; and if any such person has had three days' notice of the time and place allotted for working any road or highway in such district, and shall fail to attend in person or substitute, satisfactory to the supervisor at any time and place with such tool or implement as the supervisor may direct, or having attended, shall neglect or refuse to obey the reasonable directions of the supervisor as to such work, or spend his time in idleness and neglect the business assigned him, he shall forfeit and pay the sum of one dollar for each day's default, in an action of debt, brought in the name of the supervisor before a justice of the peace, which sum recovered, the supervisor shall expend in repairing the roads in his district: Provided, that persons liable to work on roads in the aforesaid county shall work at least two days in each year.

SEC. 2. Every person who shall at the request of the supervisor furnish a plough or wagon with horses or oxen and a driver, and with them perform one or more day's work, shall for each day's work and and so in proportion for services of a similar kind with greater or less force to be allowed by the supervisor.

SEC. 3. Where there is no convenient opportunity of giving persons notice of the time and place for such work, a written notice thereof left at the usual residence of the party shall be sufficient.

SEC. 4. The board of commissioners of said county shall appoint a suitable number of supervisors and designate for each of them the distirct and hands confided to his superintendence.

SEC. 5. If any such supervisor shall wilfully fail, refuse, or neglect to keep the road or roads in his district in good repair, to faithfully expend all moneys received by him for the use and repair thereof, or to comply with any duty enjoined on him by law, he shall forfeit a sum not exceeding ten dollars, to be recovered before a justice of the peace for the use of said road or roads.

SEC. 6. No such supervisor shall receive any pecuniary compensation for his services as such, but in lieu thereof he shall be exempt from the performance of militia duty during his appointment as supervisor.

SEC. 7. This act is hereby declared to be in force in the county of Gibson, and all laws and parts of laws requiring a road tax on the lands of residents in said county, or coming within the purview of this act is hereby repealed, so far and only so far as relates to said county.

#### CHAPTER CXVIII.

AN ACT to revive and confirm certain state roads in White, Pulaski, Marshall and Carroll counties and for other purposes.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Melchi Gray of White county and Grove Pomeroy of Marshall county, be, and the same are hereby appointed commissioners to view, mark and locate a state road from Monticello in White county to Plymouth in Marshall county, commencing at Monticello.

SEC. 2. That William Wiley of White county and Joseph Williamson of the county of Carroll, be, and the same are hereby appointed to view, mark and locate a state road from Monticello in White county to Lockport in Carroll county, commencing said road at Monticello.

SEC. 3. The said commissioners after taking an oath, faithfully and impartially to discharge the duties assigned them by this act, may appoint a surveyor, chain carriers and marker and other hands necessary to perform the duties herein required.

Sec. 4. The board doing county business in the several counties through which said roads may pass shall pay the necessary expenses of said roads, according to the distance and work done in each county, and it shall be the duty of the boards doing county business to cause said roads to be opened and kept in repair.

SEC. 5. The commissioners herein appointed shall make a report to the proper counties of the route of said roads, which shall be filed in the clerk's office.

ESEC. 6 That the twenty-eighth and thirty-sixth sections of an act entitled "an act relating to state roads, approved February 6th, 1837, be, and the same are hereby repealed.

SEC. 7. That the location of a state road made by William Hopkins of Carroll county and James Gay of White county instead of James Gray as printed in pursuance of an act entitled an act to locate a state road from Aaron Finch's farm in White county via Spring creek ford to Delphi in Carroll county, approved February 4th, 1837, be, and the same is hereby confirmed and the boards doing county business shall cause the same to be opened and kept in repair.

This act to be in force from and after its passage.

#### CHAPTER CXIX.

AN ACT to locate a state road from Cambridge City to Fort Wayne.

# [APPROVED, FEBRUARY 7, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Eli Wright of the county of Wayne, Henry Leeds of the county of Randolph, Henry Tilberry of the county of Allen, and William H. Parmelee of Wells county, be, and they are hereby appointed commissioners to view, mark and locate a state road from Cambridge City in Wayne county via Hagerstown to the county seat in Wells county; when located to Fort Wayne in Allen county, the said road to be located between the points aforesaid, with a view to a subsequent turnpike road, upon the nearest and best route: Provided, that the commissioners aforesaid in the location of said road shall have due regard to the rights of private property.

SEC. 2. The commissioners aforesaid shall meet in the town of Cambridge City on the first Monday in May next, (1838), or on some subsequent day to be appointed by said commissioners, and previous to entering upon the discharge of their duties, they shall take an oath, faithfully and impartially to perform the duties assigned them in this act; said commissioners shall have power to employ a surveyor and sufficient number of chainmen and markers, who shall upon the certificate of the commissioners aforesaid, of their services, receive from the boards doing county business in the respective counties a reasonable compensation.

SEC. 3. The said commsioners shall make out a report of their proceedings together with a plat of said road, and file the same in the respective clerk's offices of said counties, which the clerks shall cause to be laid before said boards doing county business for their action at the first term after said report and plat are filed, which said report and plat said boards shall cause to be spread at full length on their record books at said term of said court, and cause said road to be opened any width they may think proper, not less than sixty feet, and to be worked by supervisors to be appointed for that purpose, according to the road laws now in force; said boards doing county business shall make to said commissioners a reasonable compensation for their services.

SEC. 4. This act to take effect and be in force from and after its passage.

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#### CHAPTER CXX.

AN ACT to authorize the location of a state road from Salem in Washington county to Charlestown in Clarke county.

#### [APPROVED FEBRUARY 1, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Reuben Lucas of Washington county and James Hay of Clarke county, be, and they are hereby appointed commissioners to view. mark and locate a state road, beginning at Salem in Washington county; thence to Reuben Lucas' via James Sturdivan's in Washington county: thence east of and near Davis Kelly's to the fork of the county road leading from Charlestown to Providence in Clarke county, near the farm of Robert Weir in Clarke county, via James Hay's, McDeitz, S. Gurnsey's and Tuttle's bridge, by Minor Reynold's to Drummond's ford of Sinking fork, intersecting the Brownstown state road, near the widow Rilevs.

SEC. 2. The said commissioners shall meet in the town of Salem on the first Monday in March next, or on some subsequent day, and after taking an oath, faithfully and impartially to discharge the duties assigned them by this act, shall proceed to view, mark and locate the aforesaid road, with such aids as they may deem necessary; and they shall within twenty days after the location of the same, cause a report and plat of the same to be filed in each of the clerk's offices of the counties of Washington and Clarke; which report and plat shall within ten days thereafter, be recorded by the clerks of said counties, in the record books of said counties, and the boards of county commissioners in said counties shall make to the said commissioners and such assistants as they may have employed, a reasonable compensation, to be paid out of the county treasuries of said counties in proportion to the length of road in each county.

SEC. 3. The commissioners hereby appointed are authorized and required, at the same time they make the location, to assess the damages, if any that may justly accrue to any individuals in consequence of such location, taking into consideration all the advantages of said road to such individuals and report the same with their proceedings, and the amount of damages so assessed, shall be paid to the person or persons entitled to receive the same, by the commissioners of the county in which such damages may accrue, out of the county treasuries of the respective counties or by any individual who may think proper to do so.

SEC. 4. It shall be the duty of the boards of commissioners of the counties of Clarke and Washington, at their next regular meeting after the plat and report as herein contemplated is filed, to order the said road to be opened not exceeding forty feet in width, and also give to the proper supervisors of the several road districts through which the said road may pass, an order immediately to open the same, and cause said road to be kept in repair in the same manner as is now, or may be

provided for repairing state roads.

SEC. 5. Should any vacancy happen by death, resignation or otherwise, of either of said commissioners, it shall be the duty of the county boards of the counties in which vacancy happens, immediately to fill said vacancy by the appointment of some suitable person in the proper county to fill the same.

SEC. 6. Provided however, should the board doing county business in the county of Clarke think it more conducive to the interest of the citizens of said county, to order that portion of said road which lies between the widow Riley's and the point where said road intersects the county road leading from Charlestown to Providence, near the farm of Robert Weir in Clarke county, to be located on the county road via Drummond's ford of Sinking fork, having due regard to the interest of the farms through which said road may pass.

SEC. 7. This act to be in force from and after its passage.

## CHAPTER CXXI.

AN ACT supplementary to an act, entitled, "an act to locate and establish a State Road from Salem, in Washington County, to Charlestown in Clarke County."

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That the provisions contained in the sixth section of the act to which this is supplementary, shall be applicable to that part of the said road only, as may lie between Charlestown, and the ford at James Drummond's, on the Sinking fork of Silver creek.

This act to be in force from and after its passage.

#### CHAPTER CXXII.

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AN ACT to change a part of the State Road between Charlestown and Jefferson-

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Bottorff, sen., Isaac Shelby, and George Greer, be, and they are hereby appointed commissioners, to view, mark, and locate a change in that part of the State road from Charlestown via Springville to Jeffersonville, which lies between Charlestown and the brick school house on the land of Henry Stacy.

SEC. 2. The said commissioners shall meet at such time and place after the taking effect of this act as shall be most convenient to them, and after taking an oath for the faithful discharge of their duties as commissioners aforesaid, shall proceed to make such changes between the above named points as they shall deem conducive to the public interest.

SEC. 3. The commissioners aforesaid shall file a report of their location with the clerk of the Clarke circuit court, who shall enter the same upon record in the record book of the board doing county busi-

ness in Clarke county, within ten days thereafter.

Sec. 4. The said county court shall at their first session after the filing of said report, proceed to examine the same, and if they deem the changes therein made, couducive to the public interest, to declare it a public highway and order the same to be opened in such manner as they shall deem proper.

SEC. 5. The said county court shall, after the opening of said new road agreeably to their directions, order the vacation of that part of the old road between the points mentioned in the second section of this act.

This act to take effect and be in force from and after its passage.

# CHAPTER CXXIII.

AN ACT to locate a State Road from Franklin in Wayne county, to Windsor in Randolph county; thence to Huntington, on the Wabash and Eric Canal.

# [APPROVED FEBRUARY 7, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Caleb Lewis of the county of Wayne, Benjamin Antrim of the county of Randolph, and Leander Morrison of the county of Huntington, be, and the same are hereby appointed commissioners, to view, mark, and locate a State road, to commence at Franklin, in Wayne county, thence to Windsor, in Randolph county, thence by the way of Smithfield and Albany, in Delaware county, thence on the nearest and best route to the town of Huntington, on the Wabash and Erie canal.

SEC. 2. Said commissioners shall meet at the town of Franklin, in the county of Wayne, on the first Monday in May next, or on some subsequent day, and after having taken an oath faithfully and impartially

to discharge the duties required of them by this act, shall proceed to view, mark, and locate said road, and shall within thirty days after the location of said road, cause a report thereof to be filed in each of the location of said road, cause through which said road passes; and the clerk's offices of the counties through which said road passes; and the clerk's offices of the clerks of said counties to record said report it shall be the duty of the board doing county business, within ten days after the filing of the same.

said counties at their first term after the filing of said report, to cause said road to be opened any width, not exceeding sixty feet, in the same way that now is or may be hereafter provided by law, for opening and keeping in repair public roads and highways.

SEC. 4. Should any vacancy happen by death, resignation or failure to qualify of any of said commissioners, the board doing county business, when such vacancy may happen, shall appoint some suitable person to fill the vancancy, who shall take the same oath and perform the same duties required of those appointed by this act.

SEC. 5. It is hereby made the duty of the board doing county business in the counties through which said road passes, to allow said commissioners, one dollar and fifty cents each per day for their services, which sum shall be paid out of the county treasuries of said counties in proportion to the length of said road in each county.

# CHAPTER CXXIV.

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AN ACT to locate a State Road in the County of Boon.

[APPROVED, FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James A. Thompson of the county of Boon be, and he is hereby appointed a commissioner, to view, mark, and locate a State road, to commence at Thorntown in the county of Boon, thence running a south-east direction on the best route to intersect the Indianapolis and Lafayette State road at or near the farm of Benj. Kersey.

SEC. 2. The said commissioner shall proceed on the first Monday of April next, or some subsequent day, after taking an oath faithfully and impartially to discharge the duties enjoined on him by this act, to proceed to view, mark, and locate said road, and he shall make a report of the route of said road, and the distance from point to point; a copy of which shall be filed in the office of the clerk of the circuit court of the county of Boon.

SEC. 3. It shall be the duty of the board doing county business, to order said road to be opened any width not exceeding sixty feet, in

the same manner as now is or may hereafter be provided for opening and repairing public roads and highways.

SEC. 4. Should the said commissioner die, resign, or be absent so as to be unable to attend to the business, or shall neglect or refuse to locate said road by the first day of June next, it shall be the duty of the board of commissioners doing county business at their first meeting, to appoint a successor, who shall be qualified as above.

This act shall be in force from and after its passage. said couplies at their first term after the filling of said report, to cause,

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AN ACT to change the name of the Town of Middletown.

# [APPROVED JANUARY 6, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the name of the town of Middletown, in the county of Henry and State of Indiana, be, and the same is hereby changed to that of Ogden, and the name of the said town of Middletown, shall hereafter be known, and called in all public transactions by the said name of Ogden.

This act shall be in force from and after its passage.

# CHAPTER CXXVI.

AN ACT to amend an act, entitled, "An Act to establish and re-locate certain State Roads therein named, and for other purposes," approved Feb. 3, 1837.

# [APPROVED JANUARY 29, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the report of the commissioners appointed by the act to which this is an amendment, to re-locate the Indianapolis and Leavenworth State road, so far as the re-location was made in Monroe county be, and the same is hereby legalized, except so far as any change was and is made through that part of the farm of Wm. Ross, which is known as the west half of the north-east quarter of section five, in township seven north, of range one west, and that the old road as heretofore located and established on said farm, shall be considered as that part of said State road in said county, and any other location of said road shall be and the same is hereby vacated.

SEC. 2. That the board doing county business in Monroe county. shall, if the same has not been done heretofore, make a fair and liberal per diem compensation to the surveyor, and each of the commissioners engaged in the actual service aforesaid, and also any necessary expenses by them incurred, pertaining to said service, to be paid out of the county of the county treasury aforesaid.

SEC. 3. That the sum of five hundred and fifty dollars of that part of the three per cent. fund which may hereafter be appropriated, or which has heretofore been appropriated to the county of Monroe, be appropriated to aid in completing the construction of a bridge over the Bean Blossom creek, at the town of Mount Tabor, and that John Bowland be appointed the commissioner to lay out and expend said money

to said purpose.

SEC. 4. That the sum of three hundred dollars out of the same fund be appropriated to aid in completing the erection of the bridge now in contemplation over Salt creek in said county, at Whissenand's ferry, on the Bloomington and Salem road; and that George Finley, be appointed commissioner to lay out and expend said money to said purpose. Said money to be paid out of the first money which may be appropriated to said county, from and after the passage of this act, or out of any moneys which may be on hand after the appropriation of the three per cent. fund heretofore made, have been fully satisfied and paid in the manner heretofore prescribed by law. Said commissioners shall, previous to entering upon the discharge of their duties, qualify themselves in the same manner in every particular which is required of those commissioners who were appointed to lay out and expend the appropriations heretofore made, to erect bridges over those two respective streams in said county. The commissioners, named in this act, to be paid in the same way that the commissioners heretofore appointed for similar purposes, are to be paid in said county.

SEC. 5. That the sum of one hundred and fifty dollars is hereby appropriated to the improvement of so much of the State road leading from Bloomington, by way of Fairfax to Salem, as lies in Monroe county, and that Samuel Boriff be, and he is hereby appointed a commissioner, to expend said money to the improvement of said road. And that the sum of one hundred and fifty dollars is hereby appropriated to the improvement of so much of the Bloomington and Greencastle State road, by way of Mount Tabor, as lies north of Bloomington, in the county of Monroe, and that Lewis W. Hays be, and he is hereby appointed a commissioner, to lay out and expend said money to the improvement of said road; moneys to be paid in the same way and manner as is prescribed in the preceding sections of this act, and said com-

missioners to be governed accordingly.

SEC. 6. All laws heretofore named coming within the purview of this act be repealed.

This act to be in force from and after its passage.

#### CHAPTER CXXVII.

AN ACT locating a State Road from Napoleon to a point near Elihu Galloways.

#### [APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That David Criswell, of Napoleon, Ripley county, and Enoch Zeney of Jennings county be, and they are hereby appointed commissioners to view, mark, and locate, a state road from Napoleon by way of William Smyleys, to a point on the Vernon and Greensburgh state road, near the farm of Elihu Galloways.

SEC. 2. The aforesaid commissioners shall proceed on the first Monday in June next, or on some subsequent day, to view, mark, and locate said road, and within thirty days after such location, shall cause a report of such location to be filed in each of the clerk's offices of the several counties through which the same may pass, which report the proper clerk is hereby required to record in the proper record book of the county commissioners of his county.

SEC. 3. The county commissioners of the county, in which such commissioner may live, shall make the same a reasonable compensation for services rendered by virtue of this act, payable out of the proper county treasury.

# CHAPTER XCV.

AN ACT to locate a state road from the west line of Hancock tounty, to Newcastle in Henry county.

# [APPROVED, FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Thos. L. Fuqua and James Denny, of the county of Hancock, and Ashal Woodward of Henry county be, and they are hereby appointed commissioners to view, mark, and locate a state road from a point on the Indianapolis and Pendleton state road where the section line dividing section twenty-three and twenty-six, in town seventeen, range five east crosses the same; thence on said line to John L. Allfords; thence to Lewisburg; thence to Charleston; thence to Nashville; thence on the most direct route to Newcastle in Henry county.

SEC. 2. The commissioners or any two of them, shall meet on the first day of May next, or some subsequent day, to be agreed upon by a majority of said commissioners, and after taking an oath, faithfully and impartially to discharge the duties assigned them by this act, shall proceed to view, mark and locate the aforesaid road, and shall within thirty days after said location of the same, file a report of their proceedings in the clerk's office of those counties in which said road is lo-

cated, which report shall be recorded in the record books of the board doing county business in said counties.

SEC. 3. At the first meeting of the aforesaid board after filing of the report of the commissioners aforesaid, it shall be the duty of said boards to cause the road to be opened any width not exceeding forty-five feet, and made agreeably to and under the provisions of the several acts relative to opening and repairing public roads and highways.

SEC. 4. The board doing county business in the counties aforesaid, shall make a just and reasonable allowance to the said commissioners and such hands as they shall employ for such services as they may perform under the provisions of this act, each county paying the expense thereof in proportion to the length of said road in each.

This act to take effect and be in force from and after its passage.

#### CHAPTER CXXIX.

AN ACT to locate a state road from Strawtown in Hamilton county, to Rochester in Fulton county.

#### [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the Stare of Indiana, That William G. Vandoren of the county of Cass be, and he is hereby appointed commissioner to view, mark, and locate a state road from Strawtown in Hamilton county, to Rochester in Fulton county, making the town of Louisburgh in Cass county a point on said road.

SEC. 2. The commissioner aforesaid after being duly qualified, shall proceed on the first Monday in May next, or some subsequent day and locate said road on the nearest and best route between the aforesaid points.

SEC. 3. The said commissioner shall be allowed one dollar and fifty cents per day for each day he may be necessarily employed in locating said road, and the surveyor, marker, and chain bearers which he employs for said purpose, shall be allowed such sum per day as is reasonable, and may be agreed upon by them and the said commissioner, all of which shall be paid out of any moneys heretofore appropriated out of the three per cent. fund or which may hereafter be appropriated to the several counties through which said road may pass, in proportion to the distance said road may pass in each county: Provided, that it shall be and is hereby made the duty of said commissioner to file in the clerk's office of each of the respective counties through which said road passes, within thirty days from the time he locates said road, a report thereof to be recorded in the record book of each county by the clerk thereof.

This act to take effect and be in force from and after its passage.

# CHAPTER CXXX.

AN ACT to establish certain State Roads therein named, and for other purposes.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Garret Seymour of the county of Tippecanoe, and Isaac N. Parker of the county of White, be, and they are hereby appointed commissioners to view, mark and locate a state road commencing at the north-west bank of the Wabash river opposite to the town of Americus, at the ferry landing now establish at the said town of Americus, thence to the house of Daniel Blue, thence on the best practicable route to Monticello in White county.

SEC. 2. That Philip M'Cormick, Esq. of Tippecanoe county, and Martin Bowers of Montgomery county, be, and they are hereby appointed commissioners to view, mark, and locate a state road commencing at Jamestown in Boone county, thence by way of Darlington in Montgomery county, thence by way of Concord in Tippecanoe county to

Lafayette.

SEC. 3. That James Pitman, of the county of Orange, and Samuel Sands, of the county of Crawford, and John Bristow, of the county of Perry be, and they are hereby appointed commissioners to view, mark, and locate a state road commencing at the town of Paoli in Orange county, and running thence on the nearest and best ground to the

town of Troy on the Ohio river in the county of Perry.

SEC. 4. That Frederick Lowe, of the county of Boon, and George Bowman of the county of Hamilton, be, and they are hereby appointed commissioners to view, survey, locate, and mark a state road from Clarkestown in the county of Boone, thence running a north direction on the margin of Eagle creek to intersect the Noblesville and Crawfordsville state road, at or near the farm of Ephraim Stout, in the county of Hamilton.

SEC. 5. That John Morgan and James M'Whinney of the county of Franklin, Brookville township, be, and they are hereby appointed commissioners to locate a state road commencing at the public square in the town of Brookville in said county, thence by the mills of James H. Speer & Co. to the town of Union in said county, thence to the line dividing the state of Ohio and Indiana, in a direction to Oxford, at the

point where the county road now intersects the same.

SEC. 6. That Benjamin M. Sweet, Jacob Ellis, and George Nicholson of Elkhart county, be and they are hereby appointed commissioners to locate a state road, commencing on the Logansport road at Goshen, in Elkhart county, thence on the nearest and best route to the village of Bristol in said county; thence on the most suitable route to the north line of the State.

SEC. 7. That John P. Agen, and John T. Veale, of the county of

Daviess, be, and they are hereby appointed commissioners to locate a state road from Arnold's Ferry, on the East Fork of White river in the county of Daviess, on the nearest and best ground by the way of Veale's Mills to Maysville in said county of Daviess.

SEC. 8. That George Sefret of the county of Daviess, Jacob Hammersly, and John P. Davis of the county of Martin, be, and they are hereby appointed commissioners to locate a state road beginning at the town of Washington in Daviess county, thence on the nearest and best route by George Sefrets in said county to the town of Orleans in Orange county, by the way of Harrisonville, in Martin county.

SEC. 9. That James Pitman, James Jones, and Eli Allen, of the county of Orange, be, and they are hereby appointed commissioners to relocate so much of the Paoli and Rome state road, as lies between Joseph Weaks and Jonathan Farlows in the county of Orange.

SEC. 10. That James Denner, James Cornwell and William Johnson of the county of Orange, be, and they are hereby appointed commissioners to relocate so much of the Corydon and Orleans state road as lies between Judge Mavitt's and Lost river in said county.

SEC. 11. That Isaac Hurlock, be, and he is hereby appointed a commissioner to locate a state road, commencing at the line dividing the counties of Hamilton and Marion where the state road leading through the town of Cumberland, at the north end of sections seven and eight, seventeen and eighteen of township seventeen north of range five east, running north on the section line six and a half miles to the Greenfield state road, within one mile of Noblesville.

SEC. 12. That Peter Gray and John Rhorer, of the county of Decatur, be, and they are hereby appointed commissioners to relocate so much of the state road leading from Napoleon to Columbus, beginning at the south-west corner of section fifteen in township number nine north, and eight east, thence east on the section line to the Michi-

gan road.

SEC. 13. That John Rhorer, Edward Morau, and Samuel Williams, are hereby appointed commissioners to relocate so much of the Shelbyville and Vernon state road, commencing at the east of John Mobley's lands; thence east of south into Jackson township in Decatur county through Mr. Martin's land; thence south through Esquire William's lane; thence through John Rhorer's land continuing south until it intersects the first location of said road.

SEC. 14. That James Harris, Martin Stinson and Merick W. Waddle of Posey county, be, and they are hereby appointed commissioners to view and locate a state road from West Franklin in Posey county

to Cynthiana in said county.

SEC. 15. That Michael Swope, John Herrod, and Christian Bridgewater be, and they are hereby appointed commissioners, to mark, view, and locate a State road in the county of Scott, commencing at Zebulon Collins', thence by way of Vienna to the Slate ford; and they shall also have power to re-locate so much of the Bethlehem and Indianapolis State road as lies between Abraham Baker's and the Slate Ford.

SEC. 16. That Henry Dorman, Matthew McClain and Abraham

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Baker of Scott county be, and they are hereby appointed commissioners, to re-locate so much of the Madison and Brownstown State road as lies in the county of Scott, by way of Dorman's grocery.

SEC. 17. That John Myers, Sen. of Cass county be, and he is hereby appointed commissioner, to mark, view and locate a State road from Myer's mill, on the west bank of the Wabash river, thence down said river to the ford commonly call Myer's ford, thence on the nearest and best route to Burlington on the Michigan road.

SEC. 18. That Samuel McPherson, Sen. of Cass county be, and he is hereby appointed commissioner, to mark, view and locate a State road on the nearest and best route from Peru, by way of Stewart Forgeys, thence by the north-east corner of James Tillet's farm, thence on the nearest and best route to intersect the Logansport State road at or near the farm lately owned by James Crowley.

SEC. 19. That Rickard Tyner of Cass county be, and he is hereby appointed commissioner, to mark, view and locate a State road from Georgetown, on the Wabash river, on the nearest and best ground, to intersect the Michigan road, at or near Andrew Johnson's, one and a half miles from Logansport.

SEC. 20. That John Sellers be, and he is hereby appointed a commissioners, to view, mark and locate a State road, on the nearest and best route from the town of Wabash, in the county of Wabash, by way of North Liberty, in Miami county, to Rochester in Fulton county.

SEC. 21. That Robert Hargitt, Jacob Hayes and John Gibson be, and they are hereby appointed commissioners, to mark, view and locate a State road, leading from, at, or near the Salt fork bridge in Miller township, Dearbern county, thence the nearest and best way to E. W. Jackson's, from thence to Gibson's meeting house, and thence on the most practicable route, to the Napoleon and Harrison State road.

SEC. 22. The road leading from the town of Madison, in the county of Jefferson, along Ryker's ridge, via Canaan, to Versailles, in Ripley county be, and the same is hereby declared a State road.

SEC. 23. That James Saxon be, and he is hereby appointed commissioner, to locate a State road, commencing at a point known as the old French trading house, on the State road leading from Logansport to Delphi, thence running to George Clemon's mill, in Cass county, to the bridge crossing the lower end of the Prairie, near John Hind's; thence to Blyth's old improvement, now owned by Jos. Fetzer; thence on as near an old trace or road, formerly travelled from Lafayette to Fort Wayne, as the ground will admit of, so as to intersect the Michigan road, at or near Andrew Johnson's.

SEC. 24. That Samuel H. Griffin of St. Joseph county be, and he is hereby appointed a commissioner, to view, mark and locate a State road, commencing where the South Bend and Adamsville State road intersects the State line between Indiana and Michigan, running thence east on or near the said State line, until it intersects the road leading from Elkhart to Edwardsburgh.

SEC. 25. That Isaac McDavitt and John F. Brothwell of Noble county, and Wm. F. Beavers of Lagrange county be, and they are

hereby appointed commissioners, to view, mark and locate a State road from Benton, in Elkhart county, to a point where the road from Noble and La-Lima to Perry Prairie crosses the county line between Noble and La-grange counties; from thence along the county line, or as near as the grange counties; from thence along the county line, or as near as the ground will admit of, until it crosses the north fork of Elkhart river; ground will admit of, until it crosses the north fork of said river; thence from thence to the feeder dam on the middle fork of said river; thence to the Defiance road, at or near Pleasant lake.

SEC. 26. That Peter Lampson, Wm. Dickerson and George Wallcott of Lagrange county be, and they are hereby appointed commissioners, to view, mark and locate a State road from the county seat of Noble county, to Ontario, in Lagrange county, from thence to Lima.

SEC. 27. That G. W. Williams, David Hart and Jared A. Ball be, and they are hereby appointed commissioners, to view, mark and locate a State road from a point where the road from Napoleon, through Henry and Williams counties intersects the State line, between the States of Indiana and Ohio, from thence west on the best ground until it intersects the State road from Lima to Fort Wayne.

SEC. 28. That the road leading from Vincennes, in Knox county, to the mouth of White river, and the road from Dicksburgh, in Knox county, to intersect the above named road below Ramsay's, in said county, are hereby declared State roads; and Andrew Percell, James Stewart, and Harrison Worth, of Knox county, are hereby appointed Commissioners, whose duty it shall be, after taking an oath faithfully to discharge their duties, to re-survey, and if in their opinion, the same may be necessary, to change the said roads, and re-locate and mark the same, as may be necessary for the public good; and also said commissioners shall report their proceedings and surveys of said roads to the board doing county business in Knox county, and thereupon the same shall be deemed and taken to be State roads, and improved and worked upon accordingly.

SEC. 28. That Eli Elwell, of the county of Wayne, John Loder, Esq. of the county of Fayette, and Levi Hatfield of the county of Rush be, and they are hereby appointed commissioners, to view, mark and locate a State road, to commence at Carthage in Rush county; thence running north with the State road leading to Knightstown, about fifty roods, to where the section line between section eighteen and nineteen, in range nine and township fifteen, crosses said road; thence east with said section line, or as near thereto as practicable, through Rush and part of Fayette counties; thence on said line, through a part of Wayne county, to where the said line crosses the White Water canal.

SEC. 29. That Moses Shepherd of the county of Delaware, and Isaac Armstrong of the county of Clinton be, and they are hereby appointed commissioners, to view, mark and locate a State road from Munceytown, in Delaware county, to Frankfort in Clinton county, thence to Lafayette in Tippecanoe county.

SEC. 30. That John Ratliff be, and he is hereby appointed a commissioner, to view, mark and locate a State road, beginning at Gosport in the county of Owen, thence to the crossing of Rode's creek, at Ben-

jamin Gray's mill, in the county of Morgan, thence to the crossing of Mill creek, at Ventersville, thence to Georgetown on the the National road.

SEC. 31. That John Ratliff be, and he is hereby appointed a commissioner, to view, mark and locate a State road, beginning at Carthage, in the county of Putnam, thence to the crossing of Mill creek, at or near the Buffalo ford in Morgan county, thence to Lake bridge, thence to Monrovia.

SEC. 32. That John Boon of the county of Wabash, and Joseph P. Anthony of the county of Huntington be, and they are hereby appointed commissioners, to view, mark and locate a State road from the mouth of Salamonia river, in Wabash county, on the most suitable ground, keeping in the vicinity of the said river, to some suitable point near its source on the Ohio line, taking in view the greatest accommodation to the settlements on said Salamonia river.

SEC. 33. That Wm. Johnson of the county of Wabash be, and he is hereby appointed commissioner, to view mark and locate a State road, to commence at Laketon, in the county of Wabash, running thence to cross Silver creek, at or near the house of Samuel Thirston, in Kosciusko county, thence on the nearest and best ground to Plymouth, the county seat of Marshall county.

SEC. 34. That Anthony Nelson, William F. Beavers and Obed Gaines be, and they are hereby appointed commissioners, to view, mark and locate a State road from the north-east corner of township twenty-eight, range eight, from thence to Martin's mills, thence to Rochester mills, thence to some suitable point, on the road leading from Huntington to Goshen.

SEC. 35. That H. R. Burnam, W. S. Prentiss and David Michael be, and they are hereby appointed commissioners, to view, mark and locate a State road from the Union mills, to some suitable point on the Fort Wayne State road between Kendallville and Wm. Lattas.

SEC. 36. That a State road be, and the same is hereby located from the north-east corner of township number fifteen north, of range number ten west, in Vermillion county, thence running west on the north line of said township, to the Illinois State line; and the board doing county business in said county, shall cause the said road to be opened and put in repair, sixty feet in width: Provided, The petitioners for said road shall pay to the heirs of Caleb Bales, deceased, all damages by them sustained in consequence of said road running through their improved lands, to be ascertained and assessed by three disinterested freeholders of the county of Vermillion aforesaid, who shall be chosen and agreed upon by the said heirs and petitioners aforesaid.

SEC. 37. That the county road leading from Columbus in Bartholomew county, by the way of Gales' mills, on Flat Rock, to the Bluffs of Blue river, in Shelby county be, and the same is hereby declared a State road.

SEC. 38. That George F. Whitaker, Abram Brown and Ira B. White be, and they are hereby appointed commissioners, to view.

mark and locate a State road from Augusta in Noble county, to Elliott's mill, from thence to Samuel Duncan's in Whitley county.

SEC. 39. That the county road running from Dayton, in Tippecanoe county, to Jefferson in Clinton county, is hereby made and declared a State road; and that Samuel Clark of Tippecanoe county, and David Durbig of Clinton county be, and they are hereby appointed commissioners, to view, mark and re-locate the said road; commencing at the east end of the town of Dayton, thence running by the way of the Sycamore farm, across Wildcat creek; thence on the county road, to Winship's and Campbell's mill, on the south fork of Wildcat creek, thence on the nearest and best route to intersect the Newcastle State road, at the town of Jefferson, in Clinton county.

SEC. 40. That Isaac Smith, Lewis Duncan and Samuel Curry be, and they are hereby appointed commissioners, to view, mark and locate so much of the State road leading from Owensville, in the county of Gibson, to Evansville, in the county of Vanderburgh, as lies between the line dividing said counties, and Samuel Curry's house, in Gibson county; and that they mark and locate the same, on the nearest and best route, by way of Wm. Mangrum's farm.

SEC. 41. That Levi Igleheart, of Warrick county, Wm. Daugherty, of Vanderburgh county be, and they are hereby appointed viewers, to mark, establish and locate a State road, from Evansville in the county of Vanderburgh, to Miller's mill on Pigeon creek, in Warrick county, and thence to intersect the road leading from Boonville to Jasper, in Dubois county, to be marked and located on the nearest and best route.

SEC. 42. That an "act entitled an act to re-locate a part of the State road leading from Vincennes, in Knox county, to Carlisle in Sullivan county, approved February 2, 1837, be, and the same is hereby repealed.

SEC. 43. That Abram Rue of the county of Hancock be, and he is hereby appointed a commissioner, to view, mark and locate a State road, commencing at Germantown, in Marion county, running thence a north-eastern direction, until it crosses the bridge over Fall creek; thence a south-eastern direction to its intersection with the section line, dividing sections elever and fourteen, and twelve and thirteen, thence east until it intersects the State road leading from Greenfield to Noblesville, and that the said commissioner shall proceed to the discharge of his duties as required by this act.

SEC. 44. That so much of the county road leading from Charlestown, in Hancock county, to where the same intersects the State road leading from Pendleton to Indianapolis, is hereby declared a State road.

SEC. 45. That Henry Woods and George Tague be, and they are hereby appointed commissioners, to view, mark and locate a State road from the most convenient point, where the State road leading from Rushville to Greenfield crosses Blue river, running thence northwardly, crossing the National road at Charlottesville, in Hancock

county, thence in the same direction, making Elizabeth city and Mid-

dletown a point, thence to Muncietown, in Delaware county.

SEC. 46. That John Polke of Hendricks county, and Isaac Har. den of Marion county be, and they are hereby appointed commissioners to view, mark, and locate a state road, commencing at the county line between Marion and Hendricks counties, where the same crosses the national road, running thence north on or near the line between the counties aforesaid, until it intersects the Indianapolis and Lafayette state road.

SEC. 47. That George Mosier be, and he is hereby appointed a commissioner to view, mark, and locate a state road commencing at Rockville in Parkelcounty, and thence by the way of Annapolis to Joseph Campbells, thence to Merryville, thence to Cooper's mill, thence

to Covington.

SEC. 48. That Joseph F. Boggs of Shelby county, Liman Spencer of Johnson county, and Nimrod Kemper of Marion county be, and they are hereby appointed commissioners to view, mark and locate a state road from Indianapolis, along the county road, known and designated as the Morgan Trace county road, to the line dividing Johnson and Marion counties, thence the nearest and best way to Hough's mills on the county road, between section twenty-seven and twentyeight, thence to the county road running east of south to the Bluff

state road, thence the nearest and best route to Shelbyville.

SEC. 49. That John Allison of Marion county be, and he is hereby appointed a commissioner to view, mark, and relocate that part of the state road leading from Greenfield through Allisonville in Marion county, to Eagle village, in Boon county, or so much thereof as passes through Marion county. The said commissioner shall relocate the said road on the most eligible ground, between said points, having in view the general interest of the public, running on the line of section twenty-one, where it passes through the town of Allisonville; and before the first day of August, and in thirty days after he shall have completed said location, he shall file in the clerk's office of Marion county, a report of his proceedings, that the same may be recorded as the re-

ports of other state roads.

SEC. 50. That James Johnson of Marion county be, and he is hereby appointed a commissioner to superintend the erection of a bridge over Big Eagle creek, at the crossing thereof of the Crawfordsville state road, the plan thereof to be a common bent bridge, and to be exhibited by said commissioner at least ten days before the day of contracting for the letting said bridge to the builder. The sum of two hundred dollars out of any moneys which may hereafter be received by the county of Marion of the three per cent. fund, is hereby appropriated; and the agent of the three per cent. fund shall pay the same over to said commissioner, at least ten days before the day of sale of said bridge, upon the said commissioner filing bond with two securities, in the sum of eight hundred dollars, to be deposited in the clerk's office of Marion county: Provided, however, that the citizens interested in said bridge, shall first subscribe the like sum of two hundred dollars, to be expended towards the completion of said bridge, and secure the pay

ment of their subscriptions to the satisfaction of said commissioner, and any excess of said appropriation and subscription shall be laid out in the improvement of said road; said commissioner shall retain in his hands, one dollar for each day he shall be necessarily employed in superintending the letting and constructing said bridges, he shall make a full and detailed report of his proceedings to the board doing county business in the county of Marion, at their November term, in the year one thousand eight hundred and thirty-eight, or as soon thereafter as said bridge is completed, any vacancy may be filled by the board doing county business, and the manner of letting said bridge shall be by public outcry to the lowest bidder.

SEC. 51. That the county road leading from a point on the state road from Valonia to Leesville, near Andrew Forgys, in Jackson county, thence by Daniel Waddels and James Hamilton's, to the point of its intersection, with the road from Rockford to Columbus, near the residence of James Tucker, in said county of Jackson be, and the same is hereby declared a state road, and the board of commissioners of said county of Jackson, are hereby required to keep said road in repair in such manner as now is and may hereafter be provided by law for re-

pairing state roads.

SEC. 52. That Peleg Babcock be, and he is hereby appointed commissioner to view, survey and locate a certain state road, beginning at the town of Dayton, in Tippecanoe county, running thence on the nearest and best route to the fording on the Wabash, near the farm of John Shaw, Sen., thence on the nearest and best route to the town of Harrisonville in Tippecanoe township, and county aforesaid, thence on the best route to intersect the Chicago road near John Snyders, on the edge of the Grand Prairie.

SEC. 53. That J. Keeton and Perry Baily, be, and they are hereby appointed commissioners, to re-locate so much of the state road from Bloomington in Monroe county to Woodruff's in Johnson county

as lies in said county of Johnson.

Sec. 54. That Alvon B. Harris, be, and he is hereby appointed a commissioner, to mark, view and locate a state road from Independence in Warren county, to Hainesville, on the nearest and best ground, and that the sum of one hundred dollars of the three per cent. fund heretofore appropriated for the county of Warren, be, and the same is hereby appropriated for the opening of the same, under the superintendence of the said commissioner, who shall receive one dollar and fifty cents, to be received out of the moneys hereby appropriated to the same.

SEC. 55. That Thomas Harman of the county of Miami, be, and he is hereby appointed a commissioner to view, mark and re-locate so much of the state road leading from Peru in Miami county by way of Daniel's mill to the Michigan road in Cass county as lies between said mill and the Michigan road.

SEC. 56. That John Slaughterback of Whiskey Run township, Andrew Kincaid in Starling township and John King in Patoka township, be, and they are hereby appointed commissioners to view, mark and locate a state road, commencing at Milton in Crawford county, running a westward direction, to intersect the Leavenworth and Jasper state road at some convenient point in Patoka township in said county.

SEC. 57. That David Forsythe of the county of Johnson, be, and he is hereby appointed a commissioner to view, mark and locate a state road, commencing at a point near Joab Woodruff's in the county of Johnson, thence the nearest and best way to the town of Franklin.

SEC. 58. That William K. Jones of the county of Spencer, Willis Haves of the county of Dubois and John Guynn of the county of Martip, be, and they are hereby appointed commissioners to mark and locate a state road from Rockport in Spencer county, Indiana, by the way of Gentrysville in said county of Spencer, thence to Jasper in Dubois county, thence to Haysville in said county, thence the nearest and best route to Mount Pleasant in Martin county.

SEC. 59. That Richard Bougham and Clark, be, and they are hereby appointed commissioners to view, mark and locate a state road, to commence pear the point where the Yellow river intersects the east line of Whitley county, near Mr. Gardner's, thence on the best route to where Alexander's bridge crosses Blue river, thence on the

most direct route to Leesburgh in Kosciusko county.

SEC. 60. That Jesse Rainbolt, James Birch and Peter Storm, be, and they are hereby appointed commissioners to view, mark and locate a state road in Greene county, beginning in the sixteenth section, in township seven north, of range four west, on David and William Heaton's land, where the Bloomington road to Bloomfield crosses Eel river road, thence to run by way of Ritter's mills on the county road, and thence to intersect the Springville road from Lawrence county, leading to Terre Haute in Vigo county.

Sec. 61. That Nathaniel L. Squibb, Charles E. Hamilton and William Patterson, be, and they are hereby appointed commissioners to review, mark and re-locate the seventh and eighth miles of the state

road leading from Rising Sun to Versailles.

SEC. 62. That William Perry, Aaron B. Henry and Abner Tibbets, be, and they are hereby appointed commissioners to view, mark and re-locate the state road from the mouth of Hogan creek in Dearborn county so as to intersect the state road leading from Lawrenceburgh to Indianapolis, near the residence of Stokely Perry and Stokely Dils.

- SEC. 63. That William Bailey and Samuel D. Tabor, be, and they are hereby appointed commissioners to view, mark and locate a state road, beginning at Plymouth, the county seat of Marshall county, thence to Lafayette, on the most direct and eligible route for a permanent road.
- SEC. 64. That William Willis of Wabash county, be, and he is hereby appointed a commissioner to mark and locate a state road, commencing at the town of Manchester, Wabash county, from thence to Joseph Harter's saw mill, from said mill to the south east corner of section number twenty-four, town thirty, range six east.

Sec. 65. That David Baldwin of Jay county and Erwin Simison of Adams county, be, and they are hereby appointed commissioners to re-locate and connect the Richmond and Fort Wayne and Recovery and Huntington state roads, in the following manner, to-wit: to commence at the south bank of Limberlost creek, where the road leading from Richmond to Fort Wayne, crosses said creek, thence down the south side of said creek, to where the Huntington and Recovery road crosses said creek, thence on the nearest and best ground to the Limberlost bridge, at the mouth of Loblolly swamp, on the Huntington road and cross on said bridge, thence on the nearest and best ground to Studabaker's bluff, on the Wabash river, thence [to] the Fort Wayne road to cross said river, and intersect the old survey at the most suitable point, near said crossing; the Huntington road to take a north westerly direction, so as to intersect the old survey at the mile creek in the eighteenth mile on said survey.

SEC. G6. That Col. John Ferguson, Abraham Livengood, William Piernam of Elkhart county, be appointed commissioners to view, mark and locate a state from a point near the south bend of Christian creek in Elkhart county, running along or near the old Fort Wayne road (so called), in a north westerly direction, to the St. Joseph county line, at or near the point of location of the old road, thence in a westerly direction, on a straight line, to intersect a state road leading from South Bend in St. Joseph county, in the direction of Adamsville in

Michigan at or near Adam Miller's barn.

SEC. 67. That William F. Clark, be, and he is hereby appointed a commissioner to locate a state road, commencing at the Logansport and Goshen state road at the half mile stake, on the section line dividing sections four and five, township thirty three, north of range six east, thence running on an eastwardly direction to connect with the Goshen

and Huntington state road.

Sec. 68. That John Wilson of White county, be, and he is hereby appointed commissioner to view, mark and locate a state road, commencing at West Bedford in White county, on the nearest and best practicable route to the rapids of Iroquois; thence the nearest and best route to the state line, in the direction of the town of Montgomery, Illinois.

SEC. 69. That J. D. Yeoman and Edward Mitchell, be, and they are hereby appointed commissioners to view, mark and locate a state road, beginning at Williamsport, the county seat of Warren county, thence the nearest and best route to the rapids of Pickamink, thence to section six, in town twenty-nine north, of range five west of second meridian, thence to intersect the state road leading from Lafayette to Michigan City at Stump's bridge.

SEC. 70. That John L. Caldwell of the county of Pike and Elijah Chapman of the county of Daviess, be, and they are hereby appointed commissioners to view, mark and locate a state road, beginning at the town of Petersburgh in Pike county, on the nearest and best route by the town of New London in Daviess county to Mount Pleasant in the county of Martin.

SEC. 71. That James Pitman, James Jones and Eli Allen of the county of Orange, be, and they are hereby appointed commissioners to re-locate so much of the Paoli and Rome state road as lies between Joseph Weeks and Jonathan Farlows in the county of Orange.

SEC. 72. That John J. Murphy of the county of Cass and John Potts of Hamilton county, be, and they are hereby appointed commissioners to view, mark and locate a state road from Logansport in Cass county, on the nearest and best route to the town of Noblesville in Ham-

ilton county.

SEC. 73. That James Davis of Elkhart county, be, and he is hereby appointed commissioner to mark and locate a state road from Jamestown in Elkhart county, on the nearest and best route to Plymouth in Marshall county; and also to locate and establish a state road from Jamestown in Elkhart county to Fort Wayne state road near Jacob

Berkit's in St. Joseph county.

SEC. 74. That Samuel S. Strong of the county of Boone, be, and he is hereby appointed commissioner to view, mark and re-locate so much of the Greenfield and Lebanon state road, as lies between William Bronhard's and William Pauley's in said county of Boone; and that the said commissioner shall on the first Monday in April next or at some subsequent day, after having been duly qualified, proceed to the discharge of his duty; and after having carefully examined the present location of said road, between the points abovementioned, commencing at William Pauley's, and also the county road leading in the same direction, he shall determine whether the public good would be benefited by a relocation of the state road on the county road intersecting the same at some convenient point, after leaving William Pauley's, thence following the county road, making such minor changes as may be done for the benefit of said road without injury to farms, to some convenient point between William Beelai's and William Morgan's, thence in a direction so as to intersect its present location at or near William Bronhard's. The said commissioner is hereby authorized to re-locate said road as above, provided, if after examination, it should be found that the public good would be benefitted thereby but not otherwise, and make a report of his proceedings as in other cases.

SEC. 75. That Wade Lofbarow and Robert Simison of Adams county, be, and they are hereby appointed commissioners to view, mark and locate a state road from the east line of the state of Indiana. in Adams county, beginning at the north east corner of section thirtyfour, town twenty-five north, of range fifteen east, thence west on the section line to the Wabash river, thence northwest down said river below the mouth of Limberlost creek, either to cross said river and intersect the Huntington state road, at a suitable point on said road, or to continue down the north side of said river and intersect the county road leading from Studabaker's ford on the Wabash to Willshire in Ohio, at some suitable point on said road, thence on said road to the intersection of said county road with the state road leading from Win-

chester to Fort Wayne.

SEC. 76. That J. R. Tharp and William Morris, be, and they are hereby appointed commissioners to view, mark and locate a state road to commence at Pendleton in Madison county, Indiana, thence to Hamilton in said county, thence to intersect the road leading from Andersontown to Logansport, at or near [where] the said road crosses Pipe

SEC. 77. That Jacob Hammersley of the county of Martin, Henry creek. O'Neal of the county of Daviess and Zechariah Morgan of the county of Greene be, and they are hereby appointed commissioners to view, mark and locate a state road, beginning at the town of Orleans in Orange county on the nearest and best route by Harrisonville in Martin county, thence to the cross roads leading from Mount Pleasant to Bloomfield and from Washington to Bedford, thence to Shields' mill on Slinkark's creek in Daviess county, thence to Newberry, thence to Black creek bridge in Greene county.

SEC. 78. That the county road from said Black creek bridge in Greene county to Carlisle in Sullivan county, be, and the same is

hereby declared a state road.

SEC. 79. That John Barry, Lymon, Sherwood and Anson Greenman be, and they are hereby appointed commissioners to view, mark, and locate a state road from the north line of Indiana, near Burnside's saw mill, from thence to Union mills, from thence to Cochran's mill, from thence a south course as near as the ground will admit, until it

intersects the road from Lima to Fort Wayne.

SEC. 80. That the county road now travelled from Harrisonville, in the county of Tippecanoe, to Delphi in Carroll county be, and the same is hereby declared a state road; and that William Sims Esq., is hereby appointed commissioner to view said road, and ascertain whether any alteration is necessary; and if so, he is hereby authorized to make any change that will be of public benefit, but no diverge of said road is to be made that will change its present crossing place on Tippecanoe river. That the state road leading from Lafayette in Tippecanoe county to Monticello in White county, and also the state road leading from Lafayette to Delphi, shall be changed from the width of forty to sixty feet.

SEC. 81. That the name of Seegar, in the 42d section of said act, is hereby declared to be a misprint, and that the name of Sage, is here-

by declared to be the name intended by said act.

SEC. 82. That the road leading from Charlestown, in Clark county, by the way of Abbots ford on Fourteenmile creek, to Bethlehem, in the county aforesaid, be and the same is hereby established and de-

clared a state road.

SEC. 83. That the road leading from Newburgh in Warrick county, to where it intersects the state road leading from Evansville to Princeton, four miles from Princeton, at the Baptist meeting house be, and the same is hereby declared to be a state road; and that all that part of said road that has been opened by Thomas Wallace, in township number three, south of range number ten west, be taken and deemed a part of said road, and that so much of the old road as lies between the points where said Wallace has made the alteration, be and the same is hereby vacated.

SEC. 84. That the county road running from Sample's mill via Huntsville in Randolph county, to Economy in Wayne county be, and the same is hereby declared to be a state road, and Miles Hunt is hereby appointed commissioner to make all necessary changes in said road for the purpose of straightening the same, so as to promote the public good.

SEC. 85. That John Marine and James Pursley be, and they are hereby appointed commissioners to view and locate a state road, to commence at Sample's mill in Randolph county, running via Rocking-

him to New Lisbon in Jay county.

SEC. 86. That the commissioners appointed by an act entitled "an act to locate a state road from the mouth of Eel river in Green county, to Bowlinggreen in Clay county, approved February 1st, 1836 be, and they are hereby removed, and Thomas Clark of Green county, Abner Light and Alexander Gooden of Owen county, be appointed in the stead of the commissioners hereby removed; said commissioners shall meet at the mouth of Eel river in Green county, on the first Monday in June next, or some subsequent day agreed to by them, and proceed to mark and locate said road according to the provisions of this act hereby amended and the amendments thereto, and be governed in every respect thereby, except that they shall report their doings on or before the 20th of November following.

SEC. 87. That Elias Carpenter, Charles De Camp and Lawrence Scott of Elkhart county be, and they are hereby appointed commissioners to view, mark, and locate a state road from Goshen in Elkhart county, commencing on Main street, thence north till it crosses the bridge over Rock run, thence on the nearest and best route on the

north side of Elkhart river to the town of Elkhart aforesaid.

SEC. 88. Frederick Eltsroth of the county of Grant, Irwin D. Simonson of the county of Adams be, and they are hereby appointed commissioners to view, mark, and locate a state road, beginning at the court house in Grant county, thence the nearest and best route to the town of Montpelier on the Salamonia river, near the south line of Wells county, thence north of east, on the best ground to or near the south-west corner of Adams county, between the north line of section number twenty nine and the south line of section number thirty-two, in township twenty-five north of range thirteen east, on the best ground, to intersect the Huntington state road, at or near Studabakers, on the Wabash river.

SEC. 89. That Aaron Gullifer, the commissioner named in the ninety-second section of the act entitled "an act relating to state roads, approved February 6th, 1837 be, and he is hereby authorized and required to pay over to the undertaker to build the bridge named in said section any monies that now is, or may hereafter come into his possession by virtue of said recited act, any thing in said act to the contrary notwithstanding.

SEC. 90. That William C. Wright of Clinton county be, and he

is hereby appointed a commissioner to view, mark and locate a state road, commencing at the town of Frankfort in Clinton county, running thence a northern direction, on or near the county road leading from thence a northern direction, on or near the county road leading from Frankfort to Underhill's mill, as far as the north east corner of the improvement of the late Robert Smith, deceased, thence on a new county road leading to Rossville in the said county of Clinton, until the same intersects a state road leading to Americus.

SEC. 91. That the several county roads in the county of Shelby be, and the same are hereby declared to be state roads. The location and width of said roads shall remain unchanged by the provisions of

this act.

SEC. 92. That John McMillin and Jabez Reeves, of the county of Rush, and Edward K. Hart, of the county of Henry be, and they are thereby appointed commissioners, to view, mark and locate a State road from Rushville, in Rush county, to Knightstown in Henry county, locating the same as near as may be convenient, on a direct route between the two places, above named, taking into consideration the interest and convenience of the citizens generally, of that portion of the country through which said road will pass.

SEC. 93. That Aaron Harden and Edward Boswell, of the county of Orange, and Joseph Wilbe of the county of Washington be, and they are hereby appointed commissioners, to view, mark and locate a State road beginning at the most suitable point on the New Albany and Vincennes turnpike road, in Orange county, thence on the nearest

and best ground, to Livonia in Washington county.

SEC. 94. That Joel Secon, Thompson T. Brandon and Charles Shelton of the county of Green be, and they are hereby appointed commissioners, to view, mark and re-locate so much of the Bloomington and Bloomfield State road as lies between the point near Thomas Oliphant's, on the cld Vincennes county road, where the present location leaves the same and John Bringle's, on the Eel State road, in the county of Green. That part of the Bloomington and Bloomfield State road, on the best ground to promote the public interest, taking with them, if necessary, a surveyor and chain carrier. A plat of which location, shall be filed in the clerk's office, for record in the county of Green, within twenty days after said re-location.

SEC. 95. It shall be the duty of the board doing county business in the said county, at their next session, after the filing of said report, to cause said road to be opened any width, not exceeding forty feet, in the same way and manner, as is or may be provided for opening public roads and highways. And it is hereby made the duty of the board doing county business in said county of Green, to make such compensation to said commissioners and hands employed by them, as they

may deem just and right.

SEC. 96. That Elijah Thompson of Parke county be, and he is hereby appointed a commissioner, to view, mark and locate a State road commencing at the state road leading from Terre Haute to Covington at West Port, in Parke county, to Lodi, thence to intersect the county road at Holtron's, north of Lodi, thence on said county road as

ir as the north end of the lane, at McCord's farm, thence down the sill at Previs' saw mill, until it intersects the county road at the foot of said hill, to continue on said county road, to Covington, in Fountain county.

SEC. 97. That J. G. Pollock of Fountain county, is hereby appointed commissioner, to view, mark and locate a State road, commencing on or near the bank of the Wabash river, at Mill street, in the town of Attica, thence down the river by J. G. Pollock's, and along the river bottom, on the best ground, to Shawnee creek, thence to the town of Portland. Said road to be located, so as to do the least injury to persons owning the land through which said road may pass.

SEC. 98. That William Harvey be appointed a commissioner, to mark and locate a state road in the county of Morgan, beginning on the state road, leading from Mooresville to Greencastle, where sections number twenty-six, twenty-seven, thirty-four, and thirty-five corner, near Henry McCracken's; running thence south on the section

line to the state road leading from Mooresville to Gosport.

SEC. 99. That Thomas Hite and Mathew Brown of Carroll county, and James F. Brown of Clinton county, are hereby appointed commissioners, to view, mark and locate a state road from Delphi, in Carroll county, by the way of Adams' mills, on the north fork of Wildcat creek and Lexington, to Michigan town, on the Michigan road, in Clinton county, the nearest and best way a good road can be had, embracing the points above mentioned, avoiding injury to private property in all cases where the same can be done without materially increasing the distance.

SEC. 100. That John Shaffer and John Ballard of the county of Carroll, is hereby appointed commissioners, to view, mark and locate a state road, from a point on the state road from Delphi to Logansport, at or near the farm of said Shaffer, to cross the Wabash river at the town of Carrollton, at the proposed bridge there to be erected; thence on the nearest and best route a good road can be had without unnecessarily injuring private property, to Monticello in White county.

SEC. 101. That Joseph Climer of the county of Miami be, and he is hereby appointed a commissioner, to view, mark and locate a state road, leading from Peru, by way of Mexico, to Rochester, at the northwest corner of section sixteen, town twenty-seven, range four east; thence north on the section line to Eel river, thence on the nearest and best ground to intersect the Michigan state road, at or near Yellow river, in Marshall county. The said commissioners shall attend at the clerk's office in Peru, on the first Monday in April next, or some subsequent day, and proceed to the duties herein required.

SEC. 102. That so much of the sixty-sixth section of an act entitled, "an act relating to state roads, approved Feb. 6, 1837, as appoints Joseph Hall of Kosciusko county one of the commissioners to locate a state road therein named," be, and the same is hereby repealed. And that Adam E. Rhodes, the other commissioner, mentioned in said act, proceed according to law, to discharge the duties therein required, on

the first Monday in April next, or some subsequent day.

SEC. 103: That the board of commissioners for the county of Jefferson be, and they are hereby authorized to appoint three commissioners, whose duty it shall be to designate and mark the precise line of the Michigan road where the same descends the hill to Madison; and such commissioners are hereby authorized to reduce the width of said road where the same descends said hill to any width not less than fifty feet: Provided, however, That the width of said road shall not be reduced in such manner as to prevent its touching any land which it now touches, without the consent of the owner of such land, endorsed on the report of such commissioners.

SEC. 104. That Robert Benefield, William Copeland, and Melitus R. Mitchell be, and the same are hereby appointed commissioners, to view, mark and locate a state roads from the seven mile post on the Michigan road, or near thereto, to Canaan in Jefferson county.

SEC. 105. That Levi Ramsey and Wm. C. Logan be, and they are hereby appointed commissioners, to view, mark and locate a state road from Jordan's, formerly Ramsay's mills, to Slate ford in Scott county; and if said commissioners upon running the said old road upon any county road from Poplar Ridge, by Dorman's, in Scott county, and thence to Slate ford, then in that case said county roads, are hereby declared state roads, and shall be opened and worked accordingly.

SEC. 106. That Charles F. White, Joseph Shanne, and John Scott of the county of Pike are hereby appointed commissioners, to re-view and re-locate that part of the state road leading from Jasper, in Dubois county, to Petersburgh, in Pike county, which lies between the line dividing Dubois county, from Pike county, and the town of Petersburgh.

SEC. 107. That C. S. Hascall, be, and he is hereby appointed a commissioner to view, mark and locate a state road from Bristol to Elkhart county, by the way of Middleberry to the Goshen and Lima state

road at or near Andrew Lake's in Lagrange county.

SEC. 108. That Aaron Cecil and Jacob Penry of Delaware county, be, and they are hereby appointed commissioners to mark, view and locate a state road commencing in Albany in said county, thence to Parker Truitt's, from thence to cross White river at or near the mouth of Prairie creek, from [thence] the nearest and best way to Burlington.

SEC. 109. That Samuel Lowman of Cass county, be, and he is hereby appointed a commissioner to view, mark and locate a state road from Logansport in Cass county to Augusta the county seat of Noble county, upon the nearest and best route, crossing twelve mile creek at or near, (on the north) of Gensa Lowman's saw mill, (usually so called) on said creek.

SEC. 110. That J. M. Anderson of the county of Noble, be, and he is hereby appointed a commissioner to view, mark and locate a state road from Augusta in Noble county to Huntington in Huntington county, over the most direct and eligible ground.

SEC. 111. That the county road leading from Elkhart in Elkhart county to the north line of this state, in the direction of Niles in Mich

igan, be, and the same is hereby declared a state road; and that the county road leading from Elkhart to the north line of this state in the direction of Motville in Michigan be, and the same is hereby declared a state road.

SEC. 112. That John Hawkins of the county of Daviess be, and he is hereby appointed commissioner to view, mark and locate a state road from Washington in the county of Daviess, on the nearest and best ground, by the way of Wilson Lee's and John Hawkins' to Piers-

ville in Knox county.

SEC. 113. That James Allen and William R. Morgan of the county of Daviess be, and they are hereby appointed commissioners to view, mark and locate a state road, beginning at the town of Washington in Daviess county on the nearest and best route to Portersville in Dubois county; said commissioners shall meet at the town of Washington in the county of Dubois, on the first Monday in June next or some subsequent day thereafter.

SEC. 114. That Brice W. Miller of Morgan county be, and he is hereby appointed a commissioner to mark and locate a state road commencing at Greencastle in Putnam county, from thence to Mount Meridian in said county, thence to Martinsville in Morgan county, and that in all respects the said commissioner shall be governed by the act

to which this is an amendment.

SEC. 115. That Blackley Shumack and James Roberts of Dearborn county and James Robison of Franklin county be, and they are hereby appointed commissioners to view, mark and locate a state road, beginning at or near Micajah Dunn's, Manchester township, Dearborn

county, thence on the nearest and best ground to Brookville.

SEC. 116 That William W. Birch of St. Joseph county be, and he is hereby appointed a commissioner to view, mark and locate a state road commencing at the state line, where the Chicago road crosses said line, thence on the best and nearest route to the centre of section fifteen, in township thirty eight north, of range number one east, thence to the Michigan road at or near Reynold Dunn's; said commissioner is hereby authorized to perform the duties above prescribed, at any time after the passage of this act.

SEC. 117. That Thomas Cunningham of the county of Warren be and he is hereby appointed a commissioner to mark, view and locate a state road, commencing on the state road leading from Williamsport to Baltimore, on the line dividing sections ten and fourteen, township twenty north of range nine west, thence westwardly on the best ground to Jasper Daniel's saw mill, thence north west, as the ground may best suit to the centre line of section eight in the same range and township, thence west to the line dividing ranges nine and ten, thence west on the line, as the ground may admit of, dividing sections sixteen and twenty-one, in range ten, in township twenty, to the state line.

SEC. 118. That Perrin Kent of the county of Warren be, and he is hereby appointed a commissioner to view, mark and locate a state road leading from the ferry on the Wabash opposite the town of Port-

land in Fountain county, thence on the most suitable route to John Brewer's on the state road leading from Williamsport to Baltimore.

SEC. 119. That Thomas Springer, David H. Hancock and Samuel Ridgway be, and they are hereby appointed commissioners to view, mark, and locate a state road from Carlisle in Sullivan county by way of New Lebanon to the bridge across Turman's creek on the state road leading from Merom to Terre Haute: Provided, that the said commissioners shall confine their location between Carlisle and New Lebanon, to the county road with only making such minor changes as public interest may require.

SEC. 120. That so much of the Lafayette and Newcastle state road as passes through the town of Roxberry in the county of Hamilton be so changed as to run through said town on Lafayette street, and so much of the Lafayette and Newcastle state road as passes through the town of Cicero in the county of Hamilton be so changed as to run on Pearl street, north to Jackson street, thence to intersect the Lafayette and Newcastle state road at the bridge that crosses Ci-

cero creek.

Sec. 121. That William B. Cadwell of the county of Wabash be, and he is hereby appointed a commissioner to view, mark and re-locate a portion of the Marion and Lagro state road as follows, to-wit: commencing at Marion in Grant county, thence crossing the Mississinawa river immediately at the town of Marion, thence on or as near as practicable on the county road, north of Ephraim Badgers, in section eighteen, town twenty-five, range eight east, from thence on the nearest and best ground, to section twenty-six, town twenty-six, range seven east, in Wabash county, so as to intersect the old location within the quarter section of land now owned by John Tyler.

SEC. 122. That the board doing county business in the county of Warren, shall apply so much of the three per cent. fund as belongs to said county as was appropriated by an act appropriating two thousand dollars to each of the counties in the state, approved February 7, 1837, as will complete the bridge over Pine creek at Bog's and Metezeker's, and the bridge over King Berry branch at Baltimore, out of that part that may come into the hands of the agent of the three per cent. fund, after the passage of this law, which said appropriation shall be applied

as heretofore applied to the construction of said bridges.

SEC. 123. That Robert Elliott, commissioner on the Vernon and Greensburgh state road, be authorized to expend the moneys in his hands for the improvement of said road, in removing timber from the same, and such other improvements thereon as the public interest re-

quires.

SEC. 124. That Samuel Forrill of Vigo county and Daniel Harris of Clay county be, and they are hereby appointed commissioners to mark, view and locate a state road, on the nearest and best ground from Lockport on the Cross-cut canal in Vigo county, by way of the feeder dam in Clay county, to the intersection of the county road lead-

ing from Spencer, in the direction of the feeder dam in Clay county. at the line dividing the counties of Clay and Owen.

SEC. 125. That William Gray of the county of Madison be, and he is hereby appointed a commissioner to view, mark and locate a state road from Nashville in Hancock county to Meshack Hall's in Madison

county, thence to New Columbus in Madison county.

SEC. 126. That David Cummins, William Smith, and George Waggoner be, and they are hereby appointed commissioners to view, mark and locate a state road in Jefferson county, or any two of them, beginning at a point on the Madison and Indianapolis state road where the state road from Stanfield's mill, (in Jackson county terminates), thence eastwardly on the nearest and best ground to or near where the Madison and Lafayette rail road crosses Big creek, thence continuing an eastwardly direction on the nearest and best ground to the Michigan road.

SEC. 127. That Elias Murray and Joseph Pratt of the county of Wabash be, and they are hereby appointed commissioners to view. mark and locate a state road commencing at the end of Daniel Ballinger's field on the Logansport and Fort Wayne road, in section thirtythree, town twenty-eight, range seven east, thence through the town of Lagro on Main street, thence north os the bluffs of Wabash river, on the nearest and best ground, so as to intersect the said Logansport and Fort Wayne road at some suitable point above Gudley's mill.

SEC. 128. That John Comstock of the county of Wabash be, and he is hereby appointed a commissioner to view, mark and locate a state road commencing at Sleeper's mill in Kosciusko county on the nearest and best ground to Liberty mills in Wabash county, thence a southeastwardly direction, until it intersects the state road leading from La-

gro to Morehead's mill.

SEC. 129. That the word "Knightstown" in the first section of an act entitled an act to locate a state road therein named, should be "Lewisville" wherever it occurs in said section, and that township "eighteen" should be township "seventeen," and that the said act be, and the same is hereby so amended, as to read "Lewisville" instead of "Knightstown" and township "seventeen" instead of "eighteen", and that all acts of the commissioner appointed by said act, in the location of the road therein authorized, be and the same is hereby legalized.

SEC. 130. That so much of the state road leading from Carlisle, by the way of Caledonia to Terre Haute as lies between section twentyseven in township ten, range nine, and section sixteen in said township and range be, and the same is hereby changed on to the county road

between said points.

SEC. 131. That Abram Dingman, Martin Weeks and Mr. Squires of Allen county be, and they are hereby appointed commissioners to view, mark and locate a state road to commence at the free bridge across the Little St. Joseph river, thence in such a direction east as the commissioners shall deem most eligible to intersect the state road from Brunorsburgh to Hicksville, Ohio, at or near Hicksville.

SEC. 132. That H. Robison be, and he is hereby appointed a commissioner to view, mark and locate a state road to commence at L. H. Davis' mill, and run thence on the nearest and best route to H. Robison's mill, thence on the best route to the town of Huntington in Huntington county.

SEC. 133. That the road leading from Madison in Jefferson county on Riker's ridge over Canaan to Versailles in Ripley county be, and

the same is hereby made a state road.

SEC. 134. That the state road leading from Elkhart in Elkhart county, to the north line of this state in the direction of Edwardsburgh in Michigan is hereby established on the now travelled route from the southern bend of Christiana creek to the north line of the state.

SEC. 135. That Jared Lockwood and Andrew S. Babbitt of the county of Franklin and Leonard Lewis of the county of Fayette be, and they are hereby appointed commissioners to view, mark and locate a state road, commencing at the town of Laurel in Franklin county, running from thence in such manner as to intersect the Brookville and Connersville state road at the most convenient point between the north line of Franklin county and the town of West Union in Fayette county; said commissioners to meet at the town of Laurel in the county of Franklin, on the first Monday in June next or some subsequent day, or any two of them, and commence and enter upon the duties required of them by this act, and in running said road, they shall have due regard to private property as well as the public good. The said commissioners to be governed in all respects by an act defining the duties of commissioners appointed to locate state roads and for other purposes, approved February first, 1834.

SEC. 136. That Samuel Jinks, Alexander Power and James Wiley of the county of Franklin be, and they are hereby appointed commissioners to change the present state road between Laurel and Blooming Grove in the said county as to commence the same at the crossing of the White-water river, near Laurel, thence running east on the section line as far as the present residence of Nehemiah Dunn, thence on and along the present road, unless the commissioners may think it would promote the public interest to make some necessary alterations,

having due regard to private property and the public good.

SEC. 137. That Nathaniel McClure and Manlove Caldwell both of Fayette county, and Levi Estridge of Wayne county, be, and they are hereby appointed commissioners to view, mark and locate a state road, beginning at Harrisburgh in the county of Fayette, and running on a county road now opened to the northwest corner of section twentyeight, in township fifteen, in range twelve, thence north on or near a section line until it would intersect the National road at the town of Dublin.

SEC. 138. That William C. Benefield and Henry Kayl be, and they are hereby appointed commissioners to view, mark and locate a state road from a point on the Michigan road in Jefferson county, between the seventh and ninth mile posts, thence on the nearest and best ground to intersect the state road from Madison to Versailles and the Cross Plains near the farm of William B. Benefield,

SEC. 139. That John Jessup of the county of Marshall, Samuel G. Sperry of the county of Fulton be, and they are hereby appointed commissioners to view, mark and locate a state road from Warsaw in the county of Kosciusko, thence on the nearest and most practicable route to the Tippecanoe river, at or near the second principal meridian line, and that the fifty-third section of the act entitled an act relating to state roads, approved Feb. 6, 1837 be and the same is hereby repealed.

Sec. 140. That Henderson Graves of the county of Jay and Nathan Branson of the county of Grant be, and they are hereby appointed commissioners to view, mark and locate a state road, to commence at the ninety mile post on the state line, thence west to Portland in Jav county, thence the nearest and best route to Camden in said county, thence to the south side of Beal's prairie, thence west to Marion the

county seat of Grant county.

SEC. 141. That Joseph McIntire, senior, of the county of Noble. and Peter Riarson of the county of Kosciusko, be and they are hereby appointed commissioners to view, mark and locate a state road, commencing at Millford in the county of Kosciusko aforesaid, thence on the nearest and most practicable route to the crossing of Tippecanoe in Noble county, on section fifteen, in township thirty-three, of range 8 east, thence on the nearest and most practicable route to Fort Wayne or until it shall intersect the state road from Goshen in Elkhart county to Fort Wayne.

SEC. 142. That Samuel Crosson of the county of Kosciusko be, and he is hereby appointed a commissioner to view, mark and locate a state road from Mishawaka in the county of St. Joseph to Jamestown in the county of Elkhart, thence to Millford in the county of Kosciusko, thence to Syracuse in the county of Kosciusko, on the nearest and best routes; and the said commissioner shall on the first day of May next, or some subsequent day, previous to the first day of June thereafter,

attend to the discharge of duties his as required by this act.

SEC. 143. That Samuel Widney, John Matson and Asa P. Haynes be, and they are hereby appointed commissioners, to view, mark and locate a state road from Maumee Island, in Allen county, to the St. Joseph's river, in De Kalb county, to cross said river at some suitable place above the mouth of Bean creek, from thence to cross the state road laid out from Hicksville to Auburn, at or near B. Bunnell's farm. thence to Enterprise, in Steuben county, thence to the state line in a direction to Jonesville.

SEC. 144. That John Denny and Henry Engle be, and they are hereby appointed commissioners, to view, mark and locate a state road from Lima, Lagrange county, to the centre of said county, thence to

Sparta, from thence to Huntington.

SEC. 145. That Peter Boyer, Elijah Waterman and Samuel Tuttle be, and they are appointed commissioners, to view, mark and locate a state road, to commence with the Wayne state road, at or near the crossing of Cedar creek, in De Kalb county, from thence to Enterprise, from thence to Otsego, in Otsego township, from thence to intersect the Jonesville state road at the north line of Indiana.

SEC. 146. That Wm. F. Engle, Wm. Mitchell and Wm. Caldwell be, and they are hereby appointed commissioners, to view, mark and locate a state road, from Kendallville, to Port Mitchell, from thence to Wolf Lake.

SEC. 147. That Asa Brown, Elihu Wardsworth and Westly Park, are hereby appointed commissioners, to view, mark and locate a state road from Sparta, in Noble county to Augusta, from thence to Auburn, in De Kalb county, thence to the state line of Ohio, in a direction to the Defiance road.

SEC. 148. That Daniel Underhill is hereby appointed a commissioner, to view, mark and locate a state road, commencing at Rochester, in Fulton county, on the nearest and best route, to the south-west corner of Kosciusko county thence on the southern boundary of said county, as near as good ground may be found, passing through the town of Westly, to Westminter on Eel river, from thence, the nearest and best route to the centre of Whitley county, thence to intersect

a State road leading to Fort Wayne.

SEC. 149. That James Sweaney and Andrew English, of the county of Daviess be, and they are hereby appointed commissioners, to view, mark and locate a state road, from the cross roads, near the Daviess and Martin county line, leading from Washington, in the county of Daviess, to Bedford, in Lawrence county, and from Mount Pleas. ant, in the county of Martin, to Bloomfield in Green county, in a western direction, by Owl Prairie, in Daviess county, on the nearest and best route to intersect the road from Edwardsport, in the county of Knox, to Carlisle, in the county of Sullivan, at Maria creek bridge in the county of Sullivan.

SEC. 150. That so much of the Aurora road, to wit: commencing where the Aurora road leaves the Lawrenceburgh and Indianapolis state road, near Samuel Gookins, sen., in the county of Ripley, thence south-westwardly, by J. G. Jackson's and Esaw King, and the town of Milan, to the cast line of Ripley county, is hereby declared a state

road.

SEC. 151. That Wm. Dickey, Henry Simson and Henry Walker. of the county of Fayette be, and they are hereby appointed commissioners, to view, mark and locate a state road from the east end of Harrison street, in the town of Connersville, from thence crossing the bridge over the mill-race, and the bridge over the west fork of White Water river, to intersect the Brownsville state road at such point as they may deem expedient.

SEC. 152. Said commissioners shall also view, mark and locate a state road from the east end of the said bridge over the west fork of the White Water river, thence south along the range line until it in-

tersects the Brokville state road.

SEC. 153. That Capt. Daniel C. Preddy and Robert McCorkhill be, and they are hereby appointed commissioners, to view, mark and locate a state road from Portland by the way of Washington, in Hancock county, to Andersontown, in Madison county. The commissioners, or any one of them, shall on or before the first day of August next. proceed to discharge the duties assigned them by this act, and shall in consideration of their services, receive two dollars per day each, to be paid equally out of the county treasury of the county through which

said road passes.

SEC. 154. That John Egbert of the county of Kosciusko be, and he is hereby appointed a commissioner, to re-locate a part of the state road leading from Logansport to Goshen, commencing at the south end of the bridge crossing the Large Turkey creek in town thirty-four north, of range six east, thence north-westwardly, to where the bridge strikes the north bank of said creek, thence north on the main street of the town of Milford, to a point due west of the half mile or quarter stake, standing on the line of sections eight and nine in said town; thence north on said section line to the line of the county of Elkhart. thence on the nearest and most practicable route to intersect the said state road as now located.

SEC. 155. That the clerk of the circuit court of the county of Kosciusko be, and he is hereby directed to file and record the survey and field notes of so much of a state road leading from Peru, in Miami county, to Warsaw, in Kosciusko county as lies within said county of Kosciusko, and the same shall be as valid, as if the same had been filed and recorded, within thirty days after such survey was made.

SEC. 156. That Daniel Webb of the county of Kosciusko be, and he is hereby appointed a commissioner, to view, mark and locate a state road from the Plymouth and Huntington state road, at or near where it crosses the section line dividing sections twenty-nine and thirty-two, in township thirty-two, of range six east, thence southward in a direction to Wabash Town, the county seat of Wabash county; thence on the nearest and best route to the south line of Kosciusko county, there intersecting a state road already located, leading to the said town of Wabash.

SEC. 157. That Milo Gookins be, and he is hereby appointed a commissioner, to locate a State road, commencing at a point on the state road leading from Eugene to Perrysville, between certain tracts of land owned by Abel Wolverton and John W. Rush, in the southwest quarter of section five, town eighteen north, range nine west, and running thence in a north-east direction, through said quarter section, to a certain county road, at or near the crossing of Jordan creek, thence in a northern direction until it approaches near to the dwelling house of Allen Rogers, in section thirty two, town nineteen, thence in a north eastern direction, on the most suitable ground, until the same shall reach the residence of Isaac Chenoweth, passing Chenoweth's orchard on the south, and thence on an eastern and direct course on the dividing line between said Chenoweth and George Hicks', in such a manner as to take ten feet of the road width from said Hicks' land and the remainder from said Chenoweth's land, until the same shall intersect the state road leading from the Army ford, on the Big Vermillion to Perrysville.

Sec. 158. That John Myers, jr. be appointed a commissioner. to view, mark and locate a part of the state road leading from Stylesville, in Hendricks county, Indiana, by way of New Maysville, in Putnam county, to Harrison's, Montgomery county, beginning at the point where the said road intersects the Greencastle county road and to continue on said road, until it reaches Myers' mills, thence to run due north, until it passes through the town of Ladoga, thence to pass over the best and most practicable and direct route, varying a few degrees west of north, so as to intersect the old road leading from Crawfordsville to Greencastle near Thomas Crow Miller's, and to run from thence on the route of the said Crawfordsville and Greencastle road to Crawfordsville.

SEC. 160. That Charles Bruce of the county of Montgomery be. and he is hereby appointed a commissioner to view, mark, and relocate so much of the state road leading from Montezuma in Parke county, to Lebanon in Boon county, as lies between Parkersburgh, in Montgomery county by way of Jones' mills to Ladoga, thence due east to the county line between Hendricks and Montgomery counties where it would intersect the old route.

SEC. 161. That so much of said road as lies between Parkersburgh in the county of Montgomery, and the line dividing Hendricks and Montgomery counties be, and the same is hereby vacated.

SEC. 162. That Thomas C. Stewart of Pike county, Isaac Montgomery of Gibson county, and James Ross of Vanderburgh county be, and they are hereby appointed commissioners to view, mark and locate a state road from Evansville in Vanderburgh county, to Petersburgh in Pike county, on the nearest and best ground without injuring private property.

SEC. 163. That Nimrod Kemper of the county of Marion, Simon Spencer of Johnson county, and Joseph Boggs of Shelby county be. and they are hereby appointed commissioners to view, mark and locate a state road, commencing at Indianapalis, thence to Hugh's mills

in Shelby county, thence to Shelbyville.

SEC. 164. That James Hambleton be, and he is hereby appointed commissioner to view, mark, and locate a state road commencing at the town of Delphi in Carroll county, running thence to Pittsburgh, thence to Nathaniel Hambleton's, thence to William Hopkins' in Car-

roll county, thence to Monticello in White county.

SEC. 165. That Robert Mitchell and Edward P. Moore of the county of Lawrence, and Townsend Cutshaw of the county of Washington be, and they are hereby appointed commissioners to view, mark. and locate a state road from Bedford in Lawrence county, to Salem in Washington county, touching at such intermediate points, and upon such ground as in their opinion the public interest shall require: Provided, that said road shall be of the width of not less than fifty nor more than seventy-five feet. A vacancy of any of said commissioners occasioned by any means whatever, shall be filled by appointment by the board doing county business of the aforesaid counties, where the same may happen. The said commissioners may employ such necessary agents and assistants as may be necessary in and about laying out said road, and shall file a plat thereof in the offices of each of said clerks, whose duty it shall be to record the same. The said commissioners or any or either of them, may receive any donations or appropriations, or subscriptions, or agreements, for the payment thereof, which may be collected and recovered by action of law or otherwise, and shall expend and apply the same to make and improve said road, and shall settle with the board doing business of the county in which the expenditures and applications may be made; and for every violation or neglect of duty, the said commissioners, any or either of them, shall be liable to an action in the name of the state for the use of said commissioners for damages to be applied on said road as aforesaid.

SEC. 166. That Thomas Irons, John Harris, and Hugh P. Smith, are hereby appointed commissioners to mark, view, and locate a state road, commencing north of Mooresville, on the Danville state road where the Plainfield road leaves the same, near Edward Hobson's, from thence the nearest and best way to Plainfield on the National road, and from thence the best route to Brownsburgh, formerly Harrisburgh in Hendricks county, having due regard to private proper-

ty in said location.

SEC. 167. That Gideon Conklin and John Grist of the county of Carroll and Frederick Eltzroth of the county of Grant, or any two of them be, and they are hereby appointed commissioners to view, mark, and locate a state road commencing at Delphi in Carroll county, by the way of Camden and Fisher's mill in said county, to Marion in Grant

county.

Sec. 168. That Frederick Lowe of the county of Boon, and George Boman of the county of Hamilton, are hereby appointed commissioners to view, mark and locate a state road from Clarkstown in the county of Boon, by the way and on the margin of Eagle creek to Ephraim Stout's, in the county of Hamilton, thence in a north-east direction to the town of Boxley in the county of Hamilton, and thence in a northern direction to intersect the Strawtown and Peru state road.

SEC. 169. The Indianapolis and Lafayette state road is hereby de-

clared to be sixty feet wide.

SEC. 170. That the sum of fifty dollars be, and the same is hereby appropriated out of the three per cent. fund due Hancock county to be expended in constructing a bridge over Buck creek in the county of Hancock at the crossing of the same on the state road leading from Greenfield to Lebanon in Boon county; Provided, that the sum above specified shall be appropriated as aforesaid, on condition that the citizens of said county or elsewhere shall subscribe and pay a sum in addition thereto sufficient to finish such bridge; that John Collins and David Odell, are hereby appointed commissioners, whose duty it shall be to expend the sum hereby appropriated, on the terms and under the restrictions of this act; the board doing county business shall make a just allowance to said commissioners for all services they may render under this act.

SEC. 171. The commissioners above named, shall meet at the place

of holding courts in each county, or at some other place more convenient, in the proper county, on the first Monday in May next, or as soon thereafter as they may agree upon, and take an oath faithfully to discharge the duties required of them by the provisions of this act, before some person legally authorized to administer the same. The commissioners if necessary shall employ surveyors and chain carriers, for the purpose of locating said state roads, who shall receive for their services such compensation as the board doing county business shall deem just and reasonable; each commissioner or commissioners hereby appropriated, shall receive one dollar and fifty cents per day for each day that he shall be necessarily employed in the location of said roads, which shall together with the pay of the persons employed by them, shall be paid out of any money in the respective county treasury, not otherwise appropriated.

SEC. 172. And when the road is thus located by the commissioner or commissioners, they shall report the same to the board doing county business in the respective county or counties; who shall order the same to be recorded in the books kept for recording their proceedings; and after recording the same as a state road, shall proceed to the opening and keeping in repair as other roads are kept in repair in such county.

SEC. 173. That all state roads herein named shall not exceed sixty feet nor less than forty in width, and when the commissioner or commissioners shall have made their return to the proper board of commissioners in the respective counties, and such road received such recordad width shall romain unchanged.

ed width shall remain unchanged.

SEC. 174. That when any state road shall run through one or more counties, each county shall pay or defray the expenses of such road in proportion to the length of such road in the county or counties through which the same shall pass.

# CHAPTER CXXXI.

AN ACT to amend an act, entitled, "An Act to appropriate a part of the Three per Cent. Fund in Bartholomew County," approved Feb. 3, 1837.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the three several appropriations made in said act, be appropriated to the construction and improvement of the three several objects therein named, and that the commissioner named in said act, have discretionary power to use and expend on said several objects in said act named, so much of the aggregate amount of said appropriations on each of said objects as he may deem most conducive to the public interest.

SEC. 2. That the commissioner aforesaid, be authorized to call on John Ensly, the present agent of the three per cent. fund of said county, or his successor in office, for the amount of three hundred dollars for the purpose aforesaid; that all acts and parts of acts coming within the purview of this act be, and they are hereby repealed.

This act to be in force from and after its passage.

#### CHAPTER CXXXII.

AN ACT to amend an act, entitled, "An Act to appropriate a part of the Three per Cent. Fund in the County of Orange," approved Jan. 27, 1837.

# [APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Wm. McDonald of Orange county be, and he is hereby authorized and directed to expend the sum of two hundred dollars of the three per cent. fund, heretofore appropriated to Orange county, and now remaining in his hands unexpended, to the improvement of so much of the state road known as the Fredonia and Mount Pleasant state road, as lies in Orange county, under the same restrictions as is provided for in the act to which this is an amendment.

This act to take effect and be in force from and after its passage.

#### CHAPTER CXXXIII.

AN ACT to appropriate a part of the Three per Cent. Fund in the County therein

# [APPROVED JANUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That four hundred dollars of the three per cent. fund, due or payable to the county of Laporte be, and the same is hereby appropriated for the purpose of constructing so much of a state road located in said county, in accordance with the provisions of the ninth section of an act entitled, an act relating to state roads, approved February 6, 1837, as passes through the marsh called the Sac Arm, in the said county: Provided, That if the above sum of four hundred dollars, be more than

sufficient to complete the road over the said marsh, the surplus shall be paid over to the commissioner of the three per cent fund in said

SEC. 2. That James Blair of Porter county, and Wm. Allen of La. porte county be, and they are hereby appointed commissioners, to draw upon the agent of the three per cent. fund for the sum of four hundred dollars aforesaid, and to apply the same as above provided, without delay, and that the board doing county business in Porter county, allow the said James Blair, and the county board of Laporte county allow the said Wm. Allen a reasonable compensation per day for their services in carrying this act into effect.

SEC. 3. That the said commissioners shall before entering upon their duties, give bond and security, satisfactory to the board doing county business in the said county of Laporte, that they will faithfully discharge the same as herein required.

This act to take effect and be in force from and after its passage.

#### CHAPTER CXXXIV.

AN ACT to appropriate a part of the Three per Cent. Fund of Crawford County.

# [APPROVED FEBRUARY 15, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That one hundred and fifty dollars of the two thousand dollars of the three per cent. fund appropriated to Crawford county, by an act of this General Assembly, approved Eebruary 6, 1837, be, and is hereby appropriated to the improvement of the state road leading from Albany to Jasper, and that Thomas Fleming of Crawford county is hereby appointed commissioner to demand and receive from the treasurer of State said sum, which the said treasurer is hereby required to pay said commissioner, out of the first money of the said two thousand dollars, which may hereafter be in his possession.

SEC. 2. The said commissioner is hereby required to expend said one hundred and fifty dollars upon that part of said road which is in Crawford county, between Milton and where it passes the line between Crawford and Dubois counties, and the said commissioner is hereby allowed one dollar per day out of said one hundred and fifty dollars for the time he is necessarily engaged in the legal expenditure thereof.

SEC. 3. The board doing county business in said county are hereby authorized either to fund at interest, or expend in repairing state roads, and constructing bridges within said county; any and all money of the three per cent. fund which by any act anterior to this date has been appropriated to said county, and not expended heretofore, nor appropriated by this act.

#### CHAPTER CXXXV.

AN ACT to re-appropriate a portion of the three per cent. fund appropriated in Dearborn county by an act approved February 4, 1837.

#### [APPROVED JANUARY 14, 1838.]

Whereas, at the last session of the General Assembly an act was passed, appropriating the three per cent. fund in Dearborn county, which gave to the Rising Sun and Napoleon Turnpike Company the sum of four hundred dollars; and whereas, said turnpike company has not been organized, the commissioners appointed by its charter, approved February 8, 1836, having never met to open books for subscription to the capital stock of said company; therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the said sum of four hundred dollars appropriated as aforesaid, be re-appropriated as follows: One hundred dollars on the new road on Jelley's hill, on the state road leading from Rising Sun to Versailles, to be expended under the direction of Cornelius Miller; one hundred dollars on the Hartford hill on said state road, to be expended under the direction of Nathaniel L. Squibb; one hundred dollars on the state road from Madison to Lawrenceburgh, commencing at the Dearborn county line, near Robert Ray's and leading towards Wilmington, to be expended under the direction of William Lemmon, sen., and the remaining one hundred dollars to be applied to the improvement of the navigation of Laughery creek, commencing where the county line crosses the creek, and expending the same down the creek under the direction of James Maguire.

SEC. 2. That each of the above named commissioners previous to drawing said fund, shall severally file a bond with security, to be approved by the county commissioners, conditioned for the faithful and impartial expenditure of the said appropriations, which said bond shall be filed with the clerk of the Dearborn circuit court; and said commissioners shall also report to the board of commissioners of said county the manner in which said appropriations were expended.

SEC. 3. This act to be in force from and after its passage.

#### CHAPTER CXXXVI.

AN ACT on the subject of the appropriation of the three per cent. fund heretofore appropriated to Orange county.

#### [APPROVED JANUARY 10, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Edward Millis of the county of Orange be, and he is hereby appointed commissioner to appropriate three hundred and fifty-four dollars of the three per cent. fund now in the hands of said Edward Millis, which sum was by previous acts of the legislature, appropriated for the construction of a bridge across Lost river in said county, to the improvement of road number eight, or so much thereof as lies in Orange county; and said Millis shall account to the board doing county business for the faithful discharge of his duties, and be authorized to retain one dollar and twenty-five cents per day out of said money for each day he may be actually employed in the improvement of said road.

SEC. 2. All laws and parts of laws so far as requires said Millis to appropriate said money to the constructing a bridge across Lost river be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

#### CHAPTER CXXXVII.

AN ACT to amend an act entitled an act to appropriate the three per cent. fund in certain counties therein named, approved February 4, 1837.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the names of John Gammons and James Smith, commissioners of the three per cent. fund in Orange county be, and they are hereby declared misprints, and that the name of the first mentioned commissioner is James Gammon, and the second named commissioner is and should have been printed Jarvis Smith.

SEC. 2. Be it further enacted, that the name of Abram Baker in the one hundred and second section of an act relating to state roads, approved February 6, 1837, is hereby declared to be a misprint, and should have been Absalom Baker.

This act to be in force from and after its passage.

#### CHAPTER CXXXVIII.

AN ACT appropriating the three per cent. fund appropriated to Warren county.

# [APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all that part of the three per cent. fund appropriated to the county of Warren by an act approved February 6, 1837, that one hundred and fifty dollars be, appropriated upon the state road leading from Attica to Parish's Grove on that part which lies between Enoch Farnees and the line dividing the counties of Warren and Jasper under the superintendence of Wm. Gray.

SEC. 2. That the sum of one hundred and fifty dollars be appropriated on the state read leading from Independence to the intersection of said road with the road leading from Lafayette to Parish's Grove at Isaac Medzeker's on Big Pine creek, under the superintendence of

Isaac Medzeker.

SEC. 3. That one hundred and fifty dollars be, and the same is hereby appropriated on the state road leading from Williamsport to Parish's Grove and on a direction to Chicago on that part of said road which lies between William Watritians and the line dividing the county of Warren and Jasper, under the superintendence of Carpenter Maury.

SEC. 4. That fifty dollars be, and the same is hereby appropriated on the state road leading from Lafayette by way of William Newall, E-q., on a direction to Chicago, on that part of said road as lies between the line dividing the counties of Warren and Tippecanoe and Pine creek, under the superintendence of William Newell.

SEC. 5. That one hundred dollars be, and the same is hereby appropriated on the state road leading from Williamsport by way of Lebanon to the state line, under the superintendence of E. Fleming of Lebanon.

SEC. 6. And that fifty dollars be appropriated on that part of the state road running through Warren county from Covington to Danville, Illinois, under the superintendence of Joseph Foster of Warren county,

who is hereby appointed commissioner on said road.

SEC. 7. That the superintendents above named shall draw on the commissioner that shall be appointed by the board doing county business in the county of Warren for the purpose of drawing said three per cent. fund, and shall appropriate the same on the said roads when drawn, to the best possible advantage to improve the same, and before entering on the duties assigned them by this act, shall give bond with such security as the board of commissioners shall see proper to require, and shall at the same time take an oath faithfully to perform all and singular the duties required by this act.

SEC. 8. And the said superintendents shall each receive for his services one dollar and fifty cents per day, out of any moneys in the county treasuary not otherwise appropriated.

This act shall take effect and be in force from and after its passage.

#### CHAPTER CXXXIX.

AN ACT to authorize the Laporte Circuit Court to hold a special session.

[APPROVED JANUARY 25, 1838.]

- SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the judges of the Laporte circuit court, be, and they are hereby authorized to hold a special term of said court, at any time between the 25th of January and 28th of February, 1838, as shall be appointed by the sheriff of said county, for the trial of Francis Pheoutphoskee, now confined to the jail of said county, on a charge of larceny; and of such others confined in said jail charged with offences against the state of Indiana, as may notify the clerk of said court of their wish to that effect; Provided, the prosecuting attorney of said circuit court agree thereto.
- SEC. 2. It shall be the duty of the sheriff of Laporte county, when he shall appoint and fix upon said day for holding the special term of said Laporte circuit court, forthwith to give notice to the accused in said jail, and to the clerk and judges of said court; and said special session shall be governed in all respects by the laws relative to the practice in the circuit court, and shall adjourn from day to day until all the business this act shall bring before said court be dispensed with, and the clerk shall issue venires for a grand and petit jury, commanding the sheriff to summon such other grand and petit jurors, belonging to the regular pannel of the last Laporte circuit as may be convenient, and may supply any deficiencies in said pannels or either of them by summoning talismen and the clerks, judges, sheriffs, and other officers concerned, shall be governed in all respects not otherwise provided for by this act by the laws regulating proceedings at regular terms of circuit courts.

This act to take effect and be in force from and after its passage.

#### CHAPTER CXLI.

AN ACT to appropriate a part of the Three per Cent. Fund in the county of Morgan.

#### [APPROVED FEBRUARY 1, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the county commissioners of the county of Morgan, are hereby authorized, and it is hereby made their duty to appropriate so much of the three per cent. fund as belongs to the county of Morgan, as will build a bridge across Stott's creek, where the Indianapolis and Leavenworth state road crosses the same; the cost of said bridge not to exceed the sum of six hundred dollars.

SEC. 2. Be it further enacted, That it is hereby made the duty of the commissioner of the three per cent. fund for the county of Morgan to demand, receive and collect from John Wishard, of Johnson county, so much of the three per cent. fund, as has been heretofore appropriated to the county of Morgan, and yet remains unexpended, and it is hereby made the duty of the said Wishard to pay over to said commissioner all money in his hands appropriated to the county of Morgan.

SEC. 3. This act to be in force from and after its passage.

# CHAPTER CXLII.

AN ACT to appropriate a certain portion of the Three per Cent. Fund belonging to Cass county.

# [APPROVED JANUARY 25, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the sum of three hundred dollars out of the three per cent. fund now due to the county of Cass, be, and the same is hereby appropriated to the improvement of the state road, running from Logansport in said county of Cass to Peru in Miami county; the same to be expended on that part of said road which lies within the bounds of Cass county, under the direction of, and by the commissioner hereinafter named in manner as hereinafter directed.

SEC. 2. That Peter Perry of Cass county, be, and he is hereby appointed commissioner to receive from the treasurer of state said sum of three hundred dollars, and he shall after having filed his bond with

the commissioners doing county business in the county of Cass in double that amount for the faithful performance of the duties required of him by this act, proceed to lay out and expend said money on said road, or on any part of it where he is of opinion the public interest most requires it, and in the most advisable and economical way, so that the same shall be prudently expended; and shall cause the same to be done on or before the first day of November next; Provided however, that he shall have received said money at least three months previous to that time.

SEC. 3. Said commissioner shall, after having appropriated said money, as herein required, submit to the board doing county business in said Cass county a full statement of all the work done pursuant to this act, the prices paid therefor, which shall be certified to by those

who may have done the same.

SEC. 4. Said commissioner is hereby authorized to retain out of said money, at the rate of one dollar and fifty cents per day, for each day he may be necessarily employed, for any expense he may incur in procuring the same from the said treasurer of state (not to exceed ten dollars.)

This act to be in force from and after its passage.

# CHAPTER CXLIII.

AN ACT specifically appropriating a certain amount of the Three per Cent. Fund now due, or hereafter first to become due, and payable to the county of Porter.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That four hundred dollars of the three per cent. fund due, or hereafter first to become due to the county of Porter, be, and the same is hereby appropriated to the improvement of the Laporte and Valparaizo state road as follows, viz: two hundred dollars on the said road east, and two hundred dollars west of the town of Valparaizo; and James Blair is hereby appointed a commissioner to contract for and superintend the improvement to which the said sum may be applicable east of Valparaizo, and William Blachley, sen., a commissioner to superintend the improvement to which the said sum may be applicable on the said road west of Valparaizo.

SEC. 2. That the sum of two hundred dollars is hereby appropriated to the improvement of the state road located by Isaac Cornell from Valparaizo westward, in the direction of the Upper Rapids of the Kankakee; and William Frakes is hereby appointed commissioner to contract for, and superintend such improvement on the same, as in the application of the said sum he may deem best to accomplish.

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SEC. 3. That the sum of two hundred dollars is hereby appropriated to the improvement of the state road located by George Z. Salyer, from Valparaizo southward, and that Henry L. Adams, be, and he is hereby appointed a commissioner to contract for and superintend such improvement thereof as he may deem most necessary by the expenditure of the said sum of two hundred dollars.

SEC. 4. That the like sum of two hundred dollars, be, and the same is hereby appropriated for the improvement of the state road from Valparaizo to Michigan City, and that Samuel Alinger be, and he is hereby appointed a commissioner to contract for, and superintend such improvement on the said road as can be effected by said appropria-

tion.

SEC. 5. That the like sum of two hundred dollars, be, and the same is hereby appropriated on the state road leading from Valparaizo to Liverpool located by Willson Ludlow, and that John Spurlock be, and he is hereby appointed a commissioner to contract for, and superintend such improvements on the same, as by the said sum can be made.

SEC. 6. That the said commissioners hereby appointed, shall, before entering upon their duties hereby enjoined upon them, severally give bond with personal security to the satisfaction of the board doing county business in, or the board of commissioners of Porter county, that they will perform the same with fidelity and with a due reference

to the public convenience.

SEC. 7. That the commissioner in the said county of Porter, now authorized to draw upon the agent of the three per cent. fund for the money aforesaid, is hereby directed to pay over of such sums, as he may draw from time to time to the commissioners aforesaid, an amount of the same, duly proportioned to the appropriations herein made, to the roads which they are herein respectively appointed to superintend.

This act to take effect and be in force from and after its passage.

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#### CHAPTER CXLIV.

AN ACT making an appropriation of a part of the three per cent. fund in Lawrence county.

## [APPROVED DECEMBER 18, 1837.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the sum of one hundred and fifty dollars of the three per cent. fund heretofore appropriated to the county of Lawrence be, and the same is hereby appropriated to the improvement of that part of the state road between Bedford in said county, and Bloomington in the county of Monroe, which lies between Bedford and the line dividing

said counties near the house of John McCrea in said county of Law-

Sec. 2. That John McCrea of the said county of Lawrence be, and he is hereby appointed commissioner to lay out and expend the said sum of one bundred and fifty dollars in the improvement of the said road, and the agent of the three per cent. fund is hereby authorized to pay over to the said John McCrea the said sum of one hundred and fifty dollars upon his filing bond with security satisfactory to said agent, conditioned for the faithful expenditure of said moneys, and the faithful performance of his duties as commissioner aforesaid.

SEC. 3. That the said John McCrea be, and he is hereby appointed commissioner to lay out and expend upon said road, the further sum of one hundred dollars heretofore appropriated upon said road, and that it is hereby made the duty of the board doing county business in said county of Lawrence to pay over into the hands of the said John McCrea, the said sum of one hundred dollars, upon filing his bond conditioned as aforesaid.

This act to take effect and be in force from and after its passage.

## CHAPTER CXLV.

AN ACT to appropriate a part of the three per cent. fund in Fountain county.

## [APPROVED, DECEMBER 18, 1837.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the sum of five hundred dollars of that part of the three per cent. fund heretofore, or the first that may hereafter be appropriated to the county of Fountain, be and the same is hereby appropriated to the improvement of that part of the state road between Jacksonville and Coarses mills, leading in the direction of Covington in Fountain county, and that John Coarse be appointed a commissioner to expend the said sum of five hundred dollars to the improvement of said road.

SEC. 2. That the commissioner aforesaid shall before entering on the discharge of the duties assigned him by this act, enter into bond with security to the acceptance of the board of commissioners of the aforesaid county of Fountain in the penal sum of six hundred dollars payable to the state of Indiana, and conditioned for the faithful performance of the duties assigned him by this act, and before entering upon the discharge of his duties aforesaid, he shall take an oath faithfully and truly to perform his duties as such commissioner.

SEC. 3. The board of commissioners of said county shall make out an order for the sum of money hereby appropriated, and cause the same to be entered of record; a properly attested copy of which order shall be made out by the clerk and given to said commissioner which

when presented to the commissioner having charge of the three per cent. fund, for said county, shall be paid to the commissioner herein appointed.

This act to be in force from and after its publication.

#### CHAPTER CXLVI.

AN ACT to appropriate a part of the three per cent. fund of Crawford county.

#### [APPROVED, FEBRUARY 15, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That one hundred and fifty dollars of the two thousand dollars of the three per cent. fund appropriated to Crawford county by an act of this General Assembly, approved February 6th, 1837 be, and the same is hereby appropriated to the improvement of the state road leading from Albany to Jasper, and that Thomas Fleming of Crawford county, is hereby appointed commissioner to demand and receive from the treasurer of state said sum, which the said treasurer is hereby required to pay said commissioner out of the first money of the said two thousand dollars which may hereafter be in his possession.

SEC. 2. The said commissioner is hereby required to expend said one hundred and fifty dollars upon the part of said road which is in Crawford county, between Milton and where it passes the line between Crawford and Dubois counties, and the said commissioner is hereby allowed one dollar per day out of said one hundred and fifty dollars for the time he is necessarily engaged in the legal expenditure

thereof.

SEC. 3. The board doing county business in said county is hereby authorized either to fund at interest, or expend in repairing state roads and constructing bridges within said county, any and all moneys of the three per cent. fund which by any act anterior to this date has been appropriated to said county, and not expended heretofore, nor appropriated by this act.

#### CHAPTER CXLVII.

AN ACT to appropriate a part of the three per cent. fund on the Lafayette and Chicago state road in Jasper county.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Jacob Bewley of the county of Jasper be, and he is hereby appointed a commissioner on so much of the Lafayette and Chicago state

road as lies within the county of Jasper; said commissioner is hereby authorized to draw five hundred dollars of the three per cent. fund heretofore appropriated to said county from the treasurer of state, and expend the said sum to the improvement of the aforesaid road, retaining one dollar and fifty cents for each day he is employed in the duties assigned him by this act. The said commissioner before entering upon the duties of commissioner shall take an oath or affirmation before the clerk of Jasper circuit court, faithfully and impartially to discharge the duties assigned him by this act, and shall give bond and security in double the amount, to be by him expended, said bond to be made payable to the state of Indiana, and to the acceptance of the board doing county business.

SEC. 2. On entering into such bond and taking the oath as aforesaid, the clerk of said board shall deliver to said commissioner a certificate thereof, which shall authorize the treasurer of state to pay over to said commissioner on his order, the said sum of five hundred dollars

upon his filing said certificate in his office.

SEC. 3. This act to take effect and be in force from and after its passage; any law to the contrary notwithstanding.

#### CHAPTER CXLVIII.

AN ACT for the relief of Henry Matthews.

[APPROVED FEBRUARY 15, 1838.]

Whereas, it has been represented to this General Assembly that Henry Matthews of Elkhart county was bail for William Conklin of said county on a recognizance to keep the peace and for the appearance of the said Conklin before the Elkhart circuit court at the term thereof next following the date of said recognizance, which recognizance was in the sum of fifty dollars, and that said Conklin so absconded or secreted himself that said Matthews could not procure his appearance at said term of said court, whereby said recognizance became forseited, and that by the judgment of said court, said recognizance was declared forseited, and the amount thereof was collected on execution upon said judgment against said Matthews; therefore,

Be it enacted by the General Assembly of the State of Indiana, That the trustees of the seminary fund of Elkhart county be, and he is hereby authorized and required to pay said Henry Matthews, his heirs or legal representatives, the sum of fifty dollars out of any moneys in his hands not otherwise appropriated, belonging to said seminary fund,

This act to be in force from and after its passage.

#### CHAPTER CXLIX.

AN ACT for the relief of John Bell.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the auditor of public accounts is hereby authorized to audit, and the treasurer of state is hereby authorized to pay unto John Bell of the county of Rush, the sum of seventy-one dollars and three cents, it being money improperly paid into the treasury by said Bell as the collector of the county of Rush for the year eighteen hundred and thirty-six.

SEC. 2. This act to be in force from and after its passage.

#### CHAPTER CL.

AN ACT for the relief of the heirs of James H. Wallace deceased.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Jesse D. Bright, esq. of the town of Madison be, and he is hereby appointed an agent on the part of the state of Indiana, to make settlement between the state and the heirs of the said Wallace, and when the amount of revenue collected by said Wallace for the state, shall be fully paid, it shall be the duty of the said Bright, and he is hereby authorized to enter full satisfaction on all or any judgment the state may have against said Wallace, on his bonds for the collection of such revenue.

This act to take effect and be in force from and after its passage.

#### CHAPTER CLI.

AN ACT for the relief of the children of James C. Lee:

[APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the probate court of the county of Jefferson is hereby authorized to order and decree a sale of the property belonging to the children of James C. Lee in the same manner and for the same purposes that the said court might decree a rule of the same if the said James C. Lee was dead.

This act to take effect and be in force from and after its passage.

#### CHAPTER CLII.

AN ACT for the relief of Isaac Kimberlin.

[APPROVED FEBRUARY 1, 1838.]

Whereas, on the twenty-third day of July, 1818, the collector of the revenue for the county of Clark, in the state of Indiana, exposed to public sale certain lands in the said county of Clark, upon which the taxes for the years 1813, 1814, 1815, 1816 and 1817, inclusive, had not been paid; at which sale Isaac Kimberlin became the purchaser of five hundred acres thereof, for which he has received only a certificate of purchase; therefore.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana That the sheriff or collector of the county of Clark is hereby authorized to make, execute, and deliver to Isaac Kimberlin, his heirs, executors, administrators or assigns, a deed in fee simple for the land purchased by said Kimberlin at a public sale of delinquent lands in the said county of Clark, made on the twenty-third day of July 1818, by John Weathers, sheriff and collector of said county for said year.

This act to take effect and be in force from and after its passage.

#### CHAPTER CLIII.

AN ACT for the relief of Edward Lane.

[APPROVED FEBRUARY 17, 1838.]

Whereas, it is represented to this General Assembly, that Edward Lane, of the county of Boone and state of Indiana, expended eight dollars in the pursuit of Rebecca Pittman who fled upon a charge of having poisoned Eleanor Pittman; therefore,

Be it enacted by the General Assembly of the state of Indiana, That the board doing county business for the county of Boone is hereby authorized to cause to be paid to the said Edward Lane, the sum of eight dollars out of any moneys in the said county treasury not otherwise appropriated if to them his claim shall seem just and equitable.

#### CHAPTER CLIV.

AN ACT for the relief of J. T. Shields and others.

[APPROVED FEBRUARY 17, 1838.]

Whereas, it has been represented to this General Assembly that J. T. Shields and others of the counties of Carroll and Clinton have expended the sum of thirty-seven dollars in repairing the bridge over the North Fork of Wild Cat creek in Carroll county, where the Michigan road crosses the same; and whereas, it is also represented that the expendituses of the said sum of thirty-seven dollars, on said bridge was necessary in order to save it from becoming entirely useless and unsafe; and whereas common justice requires that the state should refund the amount expended by private individuals to protect the property of the state; therefore,

Be it enacted by the General Assembly of the State of Indiana, That the superintendant of the Michigan road, be, and he is hereby authorized and directed to pay over, out of any money in his hands belonging to the Michigan road fund, to the several individuals who contributed to the repair of said bridge the amounts by them respective. ly paid, not exceeding in all the sum of thirty seven dollars and the persons claiming the same shall present them to the said superintend-

ent legally sworn to.

This act to be in force from and after its passage.

## CHAPTER CLV.

AN ACT to amend an act entitled "an act for the relief of David Milburn and others," approved February 4th, 1837.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons residing on the Militia lots numbered six, seven, eight, nine, and ten, and all persons residing on sections numbered one hundred and sixty-nine; also, all persons on fractional section eighteen, and on the north-east quarter of the north-west quarter of fractional section number twenty, in township number one south of range ten west, lying and being in the county of Gibson, be, and they are hereby attached for school purposes, to the third school district in township one south of range eleven west in the county of Gibson, and shall enjoy all the rights, privileges, and immunities which they might or could enjoy if they resided on any other congressional township, with the right to transfer to the school fund of said township the portion of funds coming to them out of the school funds of the township from which they have been detached.

SEC. 2. That so much of the act entitled "an act for the relief of David Milburn and others," approved February 4th, 1837, as comes within the purview of this act be, and the same is hereby repealed.

This act act to be in force from and after its passage.

#### CHAPTER CLVI.

AN ACT for the relief of John Matthews.

[APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the agent of the state for the town of Indianapolis, be, and he is hereby directed to make and deliver to John Matthews of the county of Marion, a deed in fee simple for lot number eight in square fifty-two, in Indianapolis, as the regular assignee of Jacob Cutler, late of the county of Morgan and state of Indiana.

SEC. 2. Be it further enacted, That previous to the making of said deed, by said agent, the said Matthews shall present to said agent a bond of indemnity, conditioned, that in case of any deed previously made by said agent to said Cutler, being adduced, or any legal transfer of said lot being discovered, which shall go to invest any innocent purchaser with a proper title to said lot by virtue of any transfer of said

lot by said Cutler or his legal assignees, that said deed so to be made by said agent to said Matthews, shall be null and void; and it shall be the further duty of said Matthews to give public notice for six weeks successively, in two of the newspapers printed in Indianapolis, of his intention to apply for said deed, and notifying all persons interested, to attend on a certain day and defend or oppose the granting of said deed.

SEC. 3. And be it further enacted, That the term of one year from the publication of said notice of application for a deed as aforesaid, shall be allowed to all persons claiming or to claim under any transfer of said Cutler or his assigns; which claim shall be filed in the clerk's office of the county of Marion, and a copy of the same served upon the said Matthews by the sheriff of said county; and in case of the failure of the presentation of any such claim as aforesaid, in manner aforesaid, then the deed so made to the said Matthews shall be taken and deemed to be conclusive evidence of his right and title to said lot, and no court of this state shall suffer said title to be gainsayed on any evidence referring to matter previous to the making and date of said deed. This act to take effect and be in force from and after its passage.

## CHAPTER CLVII.

AN ACT for the relief of Dalzel, Clark and Whitcomb, and C. Clark & Company,

## [APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Dalzel, Clark and Whitcomb, of the county of Vermillion be allowed the sum of ten dollars and fifty cents; and that C. Clark and Company be allowed the sum of ten dollar and six cents for money by them paid to the collector of Vermillion county, as state tax over and above the amount justly due, which excess of payment was caused by improper assessments against them for the year 1837.

SEC. 2. The auditor of state may audit their accounts to said

amount and the treasurer of state pay the same.

This act to take effect and be in force from and after its passage.

## CHAPTER CLVIII.

AN ACT to change the name of Calvin C. Marsh.

[APPROVED FEBRUARY 14, 1838.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the name of Calvin C. Marsh of the county of Fountain and state

of Indiana, shall be, and the same is hereby changed to Calvin M. Cheney, and by said last mentioned name, he shall have power to contract and be contracted with, and to do all other lawful acts and things.

SEC. 2. Nothing contained in this act shall be so construed as to affect, alter, or annul any contract or act done, suffered, or permitted by said Calvin M. while he was known by the name of Marsh, but the same shall be taken, as if this act had never been passed.

This act to take effect and be in force from and after its passage.

#### CHAPTER CLIX.

AN ACT for the relief of the heirs of Michael C. Snyder, deceased.

## [APPROVED FEBRUARY 17, 1838.]

Whereas it is represented to the General Assembly that the west half of the north-west quarter of section nineteen, township four, range seven east in the Jeffersonville district, lying and being in the county of Scott, and state of Indiana, has been returned for the non-payment of taxes for the year 1834-5 and 6, and that the land was at that time the property of the minor heirs of Michael C. Snyder, deceased, to wit: Matilda B. Snyder, Lucy Snyder and Eliza T. Snyder: For remedy whereof,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John O. Meranda, guardian of said heirs, may for the benefit of said heirs redeem said land by paying the tax thereon due for the aforesaid years, together with six per cent. interest thereon to the school commissioner of the county of Scott.

This act to take effect and be in force from and after its passage.

#### CHAPTER CLX.

AN ACT for the relief of John Carmichael.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Adam Pence, John Beel, and William Nelson, Junior, be, and are hereby appointed commissioners to examine and appraise the improvements made by John Carmichael, on the school section in Richland

township, Madison county, Indiana, previous to the sale of such school section by the school commissioner of said county.

SEC. 2. That before entering upon the duties of this appointment, said commissioners shall severally take an oath or affirmation before some person of said county duly qualified to administer oaths, that they will faithfully and according to the best of their judgment discharge the duties assigned them in this act.

SEC. 3. That said commissioners or a majority of them having agreed upon the value of said improvements, shall certify under their hands and seals, the amount thereof to the school commissioners of said county, who shall pay over to the said John Carmichael or his legal representatives, the amount specified in said certificate out of the first moneys in his possession accruing to said township from the sale of said school section.

SEC. 4. This act to take effect and be in force from and after its passage.

## CHAPTER CLXI.

AN ACT for the relief of Ezra M. Jones.

## [APPROVED JANUARY 1, 1838.]

Whereas it has been represented to this General Assembly by E. M. Jones, collector of the state and county revenue for the county of Vigo, that owing to the late period at which he received the tax list thereof, it has not been in his power to collect and pay over the same in compliance with the regulations of law, therefore

SEC. I. Be it enacted by the General Assembly of the State of Indiana, That E. M. Jones, collector of the state and county revenue aforesaid, be and he is hereby authorized to proceed with the collection of the same, and that the time for the return of the state revenue be extended to the twentieth day of January 1838, and for the return of the county revenue, to the first Monday of May 1838.

SEC. 2. Be it further enacted, That the said E. M. Jones be, and he is hereby released from the payment of any per centum, or damages in consequence of this failure to comply with the provisions of the law providing for the collection of taxes of this state.

SEC. 3. Provided nevertheless, that this act shall not in any manner take effect until the persons who now are the sureties for the said Ezra in his bond as collector as aforesaid, shall personally execute in the presence of the clerk of the Vigo circuit court, an endorsement on the said collector's bond, testifying their assent to the extension of the time of payment of said collector in this act allowed.

This act to be in force from and after its passage.

#### CHAPTER CLXII.

AN ACT for the relief of Willis G. Atherton and others.

## [APPROVED JANUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the commissioners of the sinking fund be, and the same are hereby requested to set apart from the first money accumulating in said fund, for the special benefit, and to be loaned in the same manner and in the same way that the said funds are loaned to others, to Willis G. Atherton, Thomas Green, Joel Blacklidge, George Millspaugh, Nathaniel Chapman, B. Keefer, Nathan Cormian, and James Young of the county of Madison, all of whom are sufferers by the fire at Andersontown; that said money to be loaned in the same sums and under the same restrictions that other individuals receive loans.

#### CHAPTER CLXIII.

AN ACT for the relief of Jonathan Parkes.

[APPROVED JANUARY 10, 1838.]

Whereas, Jonathan Parks of the county of Franklin and state of Indiana purchased of the Wabash and Erie canal commissioner at Fort Wayne in said state of Indiana, on the fourteenth day of August A. D. eighteen hundred and thirty-five, the east half of the southwest quarter of section number thirty-four, in township number thirty, north of range number twele east, containing eighty acres; also the west half of said southwest quarter aforesaid, containing eighty acres, for which the said Jonathan Parks was to pay the sum of two hundred and forty dollars, that being the purchase money, and the said Jonathan Parks having paid one fourth of the purchase money aforesaid, and ten dollars and eighty cents the interest in advance on the residue for one year; and whereas, the said Jonathan Parks by reason of sickness has failed to pay the interest on said purchase aforesaid, within the times prescribed by the laws of this state in such case made and provided, whereby said lots of land aforesaid have become forfeited; therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the commissioner of the Wabash and Erie canal lands is hereby authorized and empowered to receive from said Jonathan Parks, (the holder of two certain certificates given him said Parks by said commissioner, each bearing date August 14, A. D. 1835), the interest due on

said lots of land aforesaid mentioned, and remaining unpaid in the same manner as though said lots of land had not been forfeited with interest on said interest from the time the same became due, until payment be made as authorized by this act: Provided, the said Jonathan Parks shall pay the said interest aforesaid to said commissioner on or before the first day of September, A. D. eighteen hundred and thirty-eight; should the said Jonathan Parks make payment of the aforesaid interest within the time allowed by this act, then and in that case, the said Jonathan Parks shall be reinstated in all his rights to said two lots of land as fully as though said lots of land had not been forfeited.

This act to be in force from and after its passage.

## CHAPTER CLXIV.

AN ACT for the relief of Edward Hopkins.

[APPROVED FEBRUARY 14, 1838.]

Whereas, it appears to this General Assembly, that lot number one hundred and sixty-eight, in the donation enlargement of the town of Evansville, was returned to the school commissioner of Vanderburgh county by the collector of said county for taxes due on said lot for the years 1832, 1833 and 1835, and that Edward Hopkins is the owner of said lot and had before the rendition of the judgment hereinafter named, paid the taxes aforesaid to the proper persons entitled to receive the same; notwithstanding which a judgment was rendered at the last March term of the Vanderburgh circuit court against said lot for said taxes of the year 1833 aforesaid; now therefore,

Be it enacted by the General Assembly of the State of Indiana, That said judgment as far as it respects the said lot is hereby vacated, annulled and made void, and that the school commissioner of said county satisfy the same by entry upon the record thereof as far as relates to said lot, and that said Hopkins be, and he is hereby re-invested with all the rights to said lot, which he lost by reason of said judgment, and that the school commissioner aforesaid enter upon the books in his office satisfaction of tax aforesaid.

This act shall be in force from and after its passage.

#### CHAPTER CLXV.

AN ACT for the relief of the owners of certain forfeited lands and town lots in Tippecanoe county.

## [APPROVED FEBRUARY 7, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all persons who have heretofore had lands and town lots forfeited for the non-payment of taxes in the county of Tippecanoe, which have been decreed by the circuit court of said county on account of said forfeiture to vest in the state of Indiana, and which have been advertised for sale by the school commissioner of said county agreeably to the provisions of the law in such cases made and provided, may at any time prior to the day of sale of such lands or town lots have the privilege of redeeming the same by paying over to the school commissioner of said county the full amount of all the taxes, interest and costs upon the same which may have accrued up to that time.

SEC. 2. That it shall be the duty of the clerk of the court of Tippecanoe county, upon the presentation of a certificate from the school commissioner aforesaid of the payment of all demands against any town lot or tract of land as aforesaid, to cause an entry of record to be made of said certificate; for which service he shall be entitled to receive the sum of twelve and a half cents from the holder thereof, and when so entered the title to such lands or town lots shall vest in the person having a legal title to the same as fully as if they had never been forseited.

This act to take effect and be in forch from and after its passage, and shall be published in the Lafayette Free Press, the cost of which publication to be paid by the persons availing themselves of the provisions herein contained.

## CHAPTER CLXVI.

AN ACT for the relief of persons owning Canal Lands.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall and may be lawful for any person or persons who may be the owner or owners of any canal lands, which have or may hereafter become forfeited for the non-payment of interest due thereon, to re-

deem such lands by paying to the officer authorized by law to receive such payment of interest, the amount which may be due, together with one hundred per centum on the amount so due.

This act to take effect and be in force from and after its passage.

#### CHAPTER CLXVII.

AN ACT for the relief of Derbin Gaw.

[APPROVED, FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the Parke circuit court shall, upon the petition of said Derbin Gaw, change the venue in a certain indictment for an assault and battery with intent to commit a rape, prefered in said court against said Derbin, to the Montgomery circuit court, and cause the papers in said indictment to be forwarded to the court to which the venue may be changed. And the court to which the venue may be changed shall have the same power and jurisdiction to hear, try and determine the said indictment as if the said indictment had originated in said court.

## CHAPTER CLXVIII.

AN ACT for the relief of James Sutfin.

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[APPROVED FEBRUARY 7, 1838.]

Whereas, it is represented to this General Assembly, that David Wells became the purchaser of the commissioner of the reserved township of seminary lands in Monroe county, of the west half of the south-west quarter of section number thirty-three, (33) in said township; and whereas, afterwards the aforesaid David Wells sold and transferred his said land and certificate of purchase, to one James Sutfin, who subsequently forfeited the same to the State; for remedy whereof—

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the commissioner of the reserved township of seminary lands in said county of Monroe be authorized to receive from the said James Sutfin the amount of all interest due on said land, up to the time of the publication of this act; and that upon the payment of said interest the said Sutfin shall be re-instated in all his rights and privileges to said

land: Provided, however, That the said James Sutfin shall pay said interest unto said commissioner on or before the first day of August, 1838, and shall still continue to comply with the requisitions of the law upon that subject.

This act to take effect from and after its passage.

## CHAPTER CLXIX.

AN ACT for the relief of John B. McDowell.

[APPROVED JANUARY 29, 1838.]

WHEREAS, the circuit court for the county of Vermillion, did at the last March term thereof, decree and order the sale of the southwest quarter of section thirty-one, in township number sixteen north, of range nine west, in the county of Vermillion, for and on account of the non-payment of the tax due on said tract of land for the year 1833; and it appearing by the affidavit of William Coffin, the then collector of taxes for said county of Vermillion, that the tax due on said land for the year aforesaid, was actually paid to the said Coffin then collector, by the agent of Samuel Bray, the then owner of said land, but the same was returned unpaid and non-resident by the collector aforesaid through mistake, which mistake occurred in drawing the receipt for said tax payment, which was made to read in section twenty-one, instead of section thirty-one, the said tract of land then belonging to Samuel Bray, since sold by him to Horatio McDowell, and by him to John B. McDowell; for remedy whereof, SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the said decree or order for the sale of said south-west quarter of section thirty-one, township number sixteen, north of range nine west, by the circuit court aforesaid be, and the same is hereby void.

Sec. 2. And it is hereby made the duty of the prosecuting attorney of said circuit to enter a satisfaction of record agreeable to the provisions of this act, so far as the decree of said court affects the quarter section of land described in the first section of this act.

SEC. 3. It is hereby made the duty of the school commissioner of said county of Vermillion to make such entry upon his book in relation to said quarter section of land, as will conform to the provisions of this cost.

This act to take effect and be in force from and after its publication in the Indiana Democrat.

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#### CHAPTER CLXX.

AN ACT for the relief of Thomas P. Miller.

[APPROVED FEBRUARY 7, 1838.]

Whereas, it appears to this General Assembly, that Thomas P. Miller, collector of the state and county revenue of the county of Tippecanoe, for the year A. D. 1836, failed to return to the school commissioners, lands belonging to non-residents, the tax upon which amounted to the sum of sixty dollars and sixty-seven cents, also that he failed to return as delinquent persons from whom poll tax which could not be collected to the amount of forty-nine dollars and fifty cents; and also one dollar and ninety-seven cents assessed upon personal property against persons from whom it could not be collected, which amounts, said Thomas P. Miller paid into the State treasury over and above what he collected; for remedy whereof—

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That the treasurer of State be, and he is hereby directed to refund to said Thomas P. Miller the sum of one hundred and twelve dollars and

fourteen cents.

SEC. 2. The board doing county business for the county of Tippe-canoe are hereby directed to credit the said Thomas P. Miller with the amount of delinquencies to which they may find him entitled for county tax assessed upon lands of non-resident, on polls, or personal property, and which said Thomas P. Miller was unable to collect.

This act shall be in force from and after its passage.

#### CHAPTER CLXXI.

AN ACT for the relief of Samuel Ward.

[APPROVED JANUARY 20, 1838.]

- SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the acting commissioner of the board of internal improvement, having charge of the canal lands be, and he is hereby authorized and required to pay Samuel Ward, of Cass county the sum of fifty-nine dollars out of any money in his hands belonging to the said canal land fund.
- SEC. 2. That said Samuel Ward be, and he is hereby required to pay over to said commissioner the sum of eighteen dollars and twenty cents, being the amount of interest due to the State of Indiana, an account of the sale to said Samuel Ward, of the east half of the south-

w st quarter of section number five, in township number twenty seven north, of range number two east, of canal land as will appear by reference to certificate number one thousand and fourteen, dated at Fort Wayne, December 26, 1833, and signed by Samuel Lewis, commissioner; which said certificate shall be, and the same is hereby revived and made as valid, both in law and equity, as it was when first issued.

SEC. 3. That the subsequent sale of said described eighty acre tract of land, which was named on the sixth day of November, 1837, to said Samuel Ward, as it will more fully appear by reference to certificate number three thousand three hundred and four, bearing date the sixth of November, 1837, and signed by Samuel Lewis, commissioner, be, and the same is hereby declared null and void, and of no effect, and is therefore hereby cancelled.

This act shall be in force from and after its passage.

#### CHAPTER CLXXII.

AN ACT for the relief of Asa Brown.

[APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the board of internal improvement, is hereby authorized to hear all such evidence as the said Asa Brown shall bring before them, relative to a loss on his contract on section number seventy-five, on the Wabash and Erie canal; and if the said board of internal improvement shall be of opinion, that the loss sustained by said Brown, is of an extraordinary character, and such as will justify the interposition of the State in his behalf; they are hereby authorized to allow him, at their discretion, [the amount] of a hewn stone lock on said section, as to them may seem just and reasonable, and to cause the same to be paid out of the Wabash and Erie canal fund.

This act to take effect and be in force from and after its passage.

## CHAPTER CLXXIII.

AN ACT for the relief of Joseph Wells.

[APPROVED JANUARY 6, 1838.]

Whereas, it has been represented to this General Assembly, that David Riley, an acting justice of the peace, in and for the county of Orange,

assessed a fine of ten dollars against a certain Joseph Wells, of said county for profane swearing; and whereas Noah Noble, governor of the State of Indiana, by virtue of authority vested in him, did remit eight dollars, parcel of said fine of ten dollars, unto said Joseph Wells, Therefore—

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That said Joseph Wells, or his legally authorized agent or attorney, is authorized to demand and receive from the treasurer of the trustees of Orange county seminary, or such other person holding said money, the sum of eight dollars, and receipt for the same.

This act to take effect and be in force from and after its passage.

## CHAPTER CLXXIV.

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AN ACT for the relief of the Collector of the State Revenue of Perry County.

## [APPROVED JANUARY 10, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the collector of the State revenue of the county of Perry for the year 1837, be allowed until the tenth day of February, 1838, to settle with the auditor and treasurer of State for said revenue, upon which settlement the collector aforesaid shall be allowed his legal claims, per centage, mileage, and delinquent list to which he would have been entitled, if such settlement had been made within the time prescribed by "an act to provide for an equitable mode of levying the taxes of this State," approved February 7, 1835.

This act to take effect and be in force from and after its passage.

## CHAPTER CLXXV.

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AN ACT to authorize the Board of Commissioners of Kosciusko County to recover the amount of certain Three per Cent. Fund heretofore appropriated in that County.

## [APPROVED JANUARY 10, 1838.]

Whereas, John B. Chapman, of the County of Kosciusko, was appointed a commissioner to receive and apply the amount of three per cent. fund appropriated to the county of Kosciusko, in conformity with the provisions of an act, entitled, "an act to provide for the appointment of a commissioner, to expend the three per cent. fund in the county of Kosciusko, approved February 7, 1835; and where-

as doubts have arisen, whether by the provisions of the existing laws, said county of Kosciusko is provided with any adequate remedy against the said John B. Chapman, for the recovery of the said fund, which still remains in his hands, and unaccounted for: Therefore—

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the said John B. Chapman shall, on or before the fifteenth day of February, 1838, render to the commissioner of the three per cent. fund in and for the county of Koseiusko, a full and detailed statement of his receipts and expenditures of the said fund, and pay over to said commissioner the full amount of said fund which may at the time of rendering such account remain due to said county, together with six per cent. interest on the same from the time said fund came into his hand.

SEC. 2. Should the said John B. Chapman neglect or refuse to make settlement as aforesaid, with the said commissioner of the three per cent, fund, and pay over as aforesaid, every and all sums of money which may have been by him at any time received as such commissioner, then and in that case, it shall be the duty of the board of commissioners of the said county of Kosciusko to cause suit to be brought against the said John B. Chapman, on his official bond as such commissioner of the three per cent. fund, and his securities, immediately on the aforesaid neglect or refusal of said Chapman being reported to said board, for which purpose the said commissioner of the three per cent. fund of said county, shall at the March term, 1838, of the board of commissioners, of said county, report such neglect of said Chapman should he fail to account and settle as aforesaid. And the certificate of the treasurer of State shall be prima facia evidence of the amount of money received by said Chapman as such commissioner, in any suit that may be instituted by virtue of this act.

SEC. 3. In case said Chapman fails or refuses to make settlement and pay over the three per cent. fund in his hands, as in the first and second sections of this act provided, then and in that case, on recovery of any debt or damages against said Chapman, there shall be added ten per cent. of the sum so recovered, besides interest, as in the first section of this act mentioned, together with costs of suit, which sum when recovered, shall by said board of commissioners be appropriated in conformity with the provisions of an act entitled, an act to appropriate part of the three per cent. fund, approved January 31, 1833.

This act to take effect and be in force from and after its publication in the Indiana Democrat and the Indiana Journal.

#### CHAPTER CLXXVI.

AN ACT to provide for the improvement of the navigation of the Big St. Joseph River.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That for the purpose of improving the navigation of so much of the Big St. Joseph river as lies within the State of Indiana, and for the purpose of creating water power thereon, it shall be lawful for any person or persons who may be the owner or owners of the land on each side of said river, to erect a dam across the same at such point or points as he or they may deem expedient, which dam or dams shall not exceed eight feet in height, and shall be so built and constructed as not to impede the downward passage of rafts, or passage of fish: Provided, That if from the breaking of any dam heretofore constructed, or by this act authorized to be constructed upon said river, or from any unforseen and unavoidable accident the navigation of said river shall become temporally obstructed, the said person or persons owning such dam shall have a reasonable time to repair said dam, or remove such obstruction. And this privilege shall specially apply for the benefit of the company that built the dam across said river at Mishawaka.

SEC. 2. It shall be the duty of every person or persons, before commencing the building or constructing of any such dam or dams, to file in the clerk's office of the proper county, an application for the benefits and privileges granted by this act; in which application he or they shall set forth the point or points at which he or they propose to construct such dam or dams, and the name or names of the person or persons who propose to construct the same. And it shall be the duty of said clerk to give such applicant or applicants a certificate under his seal of office, setting forth the point or points at which such dam or dams are proposed to be constructed and the names of the applicants. Which certificate shall entitle the persons therein named, their heirs or assigns, to all the benefits secured by this act: Provided, No person or persons shall be permitted to construct any dam of a sufficient height to back the water up so as to interfere with any other privilege which may have been previously secured by any other person or persons.

SEC. 3. It shall be the duty of every person or persons so constructing any such dam or dams, to cut a canal of sufficient size to admit the passage of all boats, rafts or other crafts that may run said river, and build and keep in good repair a lock not less than one hundred feet in length, and thirty feet in width; which lock shall at all times be attended by a sufficient number of hands to fill and empty the same, without causing any unnecessary delay to the passage of any boat,

raft or other craft. And it shall be the duty of every person who may have filed his application in the clerk's office to commence the construction of the work within one year thereafter, and complete the same within three years after its commencement.

SEC. 4. That if any person or persons who may be the owner or owners of such premises, or his or their agent shall neglect or refuse to give passage to any boat, raft or craft, through said canal and lock within a reasonable time after demand has been made, they or any of them, so neglecting or refusing shall, upon conviction thereof, by presentment or indictment, be fined in any sum not less than ten dollars, in the discretion of the jury trying the case, and moreover be liable to the party injured, in triple the amount of damages sustained, to be recovered before any court having competent jurisdiction thereof.

SEC. 5. Should any person or persons having constructed such dam, canal, and lock as above, neglect to keep the same in good repair, so that any boat craft or raft shall be detained at any one time, more than thirty days, or shall neglect or refuse to attend the same, either in person or by proper agents, so as to detain any boat, raft or craft for the space of ten days at any one time, in consequence of such refusal or neglect, the same shall operate as a forfeiture of the privileges herein granted to such person or persons as shall have so refused or neglected so far as relates to the premises, at which such neglect or refusal occurred; and any person may sue out of the circuit court of the county in which such dam, &c. are situate, a scire facias against the person or persons holding as aforesaid, setting forth such refusal or neglect, and if upon the trial of the matters set forth in such scire facias the same shall be found against such defendant or defendants therein, the said court shall render judgment thereon that the privileges hereby granted, be forfeited, and moreover shall order that said dam shall be abated by the sheriff of such county in the same manner that other nuisances are abated.

SEC. 6. Every person or persons who may have constructed any such dam or dams, shall be entitled to the use of all the water power that may have been thereby created for the propelling of machinery, or for any other purpose.

SEC. 7. Should any person in consequence of any of the privileges hereby granted, sustain any injury either in person or property, he or she shall be entitled, by action on the case, to recover of the owner or owners of the dam causing such damage, the full and just amount thereof in any court having competent jurisdiction.

This act to take effect and be in force from and after its passage.

## CHAPTER CLXXVII.

AN ACT to amend an act, entitled, An Act authorizing Richard M. Kirk to raise his Mill-dam three feet higher, approved Feb. 3, 1838.

## [APPROVED FEBRUARY 17, 1838.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That nothing in the act to which this is an amendment shall be so construed as to require the said Richard M. Kirk to provide for the passage of boats or other crafts over his dam across the Patoka river, of

greater length than eighty feet.

SEC. 2. That nothing in the act to which this is an amendment, shall be so construed as to make the said Kirk responsible for any damage which may be sustained by any boat or other craft passing over said dam, unless the owner or owners of said boat or other craft, or other persons engaged in directing the navigation thereof, shall give to said Kirk, or to some person in his employ, reasonable notice of the time when such boat or other craft will probably pass over said dam.

#### CHAPTER CLXXVIII.

AN ACT to authorize an additional Justice of the Peace in Brown Township in Montgomery County.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the board of county commissioners of Montgomery county be, and they are hereby authorized and required to order an election for an additional justice of the peace in Brown township, in said county, at their next March term; said justice to be elected and reside in Waveland, in said township and county, and to vacate his office whenever he shall remove from said town.

SEC. 2. The said board of commissioners, shall fix the time and place of holding said election, and in all other respects, the said election shall be governed by the laws now in force regulating the election of justices of the peace.

This act to be in force from and after its passage.

#### CHAPTER CLXXIX.

AN ACT to provide for the election of a Justice of the Peace in the town of Middletown in Shelby county.

## [APPROVED FEBRUARY 17, 1838.]

Be it enacted by the General Assembly of the State of Indiana, That the board of county commissioners of Shelby county, be, and they are hereby authorized at the next March term of said board, or at any term of said board thereafter, to order one justice of the peace to be elected in the town of Middletown, in Liberty township, in said county, in addition to the two justices of the peace already apportioned to said township: Provided, that said board shall be of opinion that such additional justice of the peace would be necessary, any law in force to the contrary notwithstanding.

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sufficient conveyance of said place of ground lylog on the opposite

This act to be in force from and after its publication.

#### CHAPTER CLXXX.

AN ACT to legalize the official acts of Robert Wilkinson Probate Judge of Lake county.

## [APPROVED, FEBRUARY 14, 1838.]

Whereas, Robert Wilkinson, esq., probate judge of the county of Lake having been elected previous to his having obtained a certificate of qualification, and having since the election received a certificate of his qualification for the said office as required by law; therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all and several the official acts of the said Robert Wilkinson, probate judge in the county of Lake, be, and they are hereby made, during his official term, to all intents and purposes valid, as fully in all respects as if the said judge of probate had received his certificate of qualification before his election.

This act to take effect and be in force from and after its passage.

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#### CHAPTER CLXXXI.

AN ACT authorizing an exchange of ground between the state and William Rockhill of Allen county.

# [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the state board of internal improvement, be, and they are hereby authorized to exchange with William Rockhill of Allen county a lot of ground lying on the towing path side of the Wabash and Erie canal in said county, adjoining the St. Mary's aqueduct, and east of the St. Mary's river, conveyed to the state by said Rockhill by deed dated 22d November, 1836, containing two acres more or less as an equivalent for a lot of ground containing about one acre and twenty-two poles more or less on the opposite side of the canal, at the same point, owned by said Rockhill.

SEC. 2. That the said board are hereby authorized in the name and behalf of said state to release and quit claim to said Rockhill said lot of ground lying on the towing path side of the canal as such equivalent on the execution by said Rockhill to said state of a proper and sufficient conveyance of said piece of ground lying on the opposite side of the canal as aforesaid.

This act to take effect and be in force from and after its passage.

#### CHAPTER CLXXXII.

AN ACT to legalize the conveyance of lot No. 1, in Princeton, Gibson county, to the Board of Trustees of Gibson County Seminary.

## [APPROVED FEBRUARY 17, 1838.]

Whereas, the General Assembly of the state of Indiana, by an act approved December 31, 1818, entitled "an act for the encouragement of religion and learning," incorporated "the board of trustees of the Princeton Academy, and by said act authorized the agent of Gibson county to convey to said trustees and their successors, lot No. one (1), in range one (1), in the second survey of lots in the town of Princeton in the county aforesaid for the purposes in said act mentioned: and whereas, the said General Assembly, by an act approved January 21, 1826, entitled "an act incorporating a seminary in the county of Gibson and for other purposes," incorporated the board of trustees of the Gibson county seminary; and whereas, it has been represented to the General Assembly that the agent of Gibson

county, did in pursuance of the authority aforesaid convey to the "board of trustees of the Princeton Academy" the lot aforesaid, and that the board last aforesaid did convey the said lot (as is believed), to "the board of trustees of the Gibson county seminary," which said deed hath been lost, mislaid or destroyed; and whereas, it has been further represented to the General Assembly that the surviving members of the board of trustees of the Princeton Academy, hath by deed, bearing date the 8th January, 1838, again conveyed the said lot of ground to the said board of trustees of the Gibson county seminary; therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the conveyance last aforesaid, be, and the same is hereby legalized and made valid, and that the title to said lot thereby conveyed, be, and is hereby vested in the board of trustees of the Gibson county seminary, and their successors, for the use and benefit of the seminary incorporated by the act last aforesaid.

This act to take effect and be in force from and after its passage.

#### CHAPTER CLXXXIII.

AN ACT to provide for the improvement of the Wabash river.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Andrew Gardner, commissioner on the part of Indiana, on the Wabash river is hereby required to transfer and pay over unto the state board of internal improvement of Indiana, the sum of five thousand and fifty-nine dollars twenty-four cents, being the unappropriated balance now lying in the hands of said Gardner, as appears by said Gardner's last report, dated Vincennes, November 30, 1837; which said sum of five thousand and fifty-nine dollars twenty-four cents, the said board of improvement is hereby required to cause to be expended, in conjunction with a similar balance outstanding on the part of Illinois, in such manner as the joint boards of Illinois and Indiana may agree upon in removing the obstructions of said Wabash river.

SEC. 2. That it shall be the duty of the state board of improvement in the course of the year 1838, to make such examinations and investigations, and, if to them it should seem necessary, to institute such survey or surveys as may enable them to report to the General Assembly at its next session, their views as to the best mode of effectually improving the navigation of the Wabash river below the Grand

Rapids, together with the probable expense of such effectual improvement: Provided, that the board may, in order to obtain such information and make out such estimates, avail itself of the various examinations and surveys heretofore made with this object.

SEC. 3. This act to take effect and be in force from and after its further represented to the Coneral Assemily that the r

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the found made with the their kindlife to mid for increby conversing be-AN ACT authorizing the sale of certain land in Dubois county,

[APPROVED, FEBRUARY 17, 1838.] sometime in the kind many south at his fact

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Willis Hays of the county of Dubois, be, and he is hereby appointed commissioner to sell the following tract of land lying in the county of Dubois, it being the northwest quarter of section twenty-six in townseip one, north of range five west, the same having been heretofore reserved as saline land.

SEC. 2. The said commissioner before entering upon the discharge of his duty as required by this act, shall give bond in the sum of five hundred dollars, with good and sufficient security, to be approved by the clerk of the circuit court of the county aforesaid, and made payable to the state of Indian, for the faithful discharge of his duty as commissioner aforesaid, which bond shall be filed in the clerk's office of the county aforesaid; and said bond shall from its date operate as a lien on

the lands of the obligors.

SEC. 3. Before said commissioner shall offer said land for sale under the provisions of this act, he shall appraise the same, taking into considration the natural value or quality thereof, and shall make out a correct map or plat of the same, together with the appraised or fixed value of the same, shall be filed in the clerk's office of said county of Dubois, and a transcript of the same shall be by such clerk forwarded to the treasurer of state; and in no case shall said land sell for less than one dollar and twenty-five cents per acre, nor shall said land be sold for less than its appraised value.

SEC. 4. In the sale of the land authorized by this act, the purchaser shall be required to pay one-fourth of the purchase money at the time of sale, and the balance due shall remain on interest at the rate of six per centum per annum, at the option of the purchaser, his heirs or assigns for ten years: Provided, that the interest shall in all cases be punctually paid in advance at the commencement of each year, counting from the day of sale, and a failure to pay the interest for two years successively for ninety days after the second year's interest becomes

due, shall forfeit the same to the further purposes of education, and also the benefit of the contract by which it is held, and all previous payments made on said tract of land by the purchaser thereof, his heirs, executors, administrators or assigns, and the state shall forthwith have a right to hold and possess such land, and such purchaser or purchasers, their heirs or assigns after a failure to pay the first interest due in advance for any year as aforesaid, shall while such interest remains unpaid, be considered as a tenant at will only, and if such purchaser or purchasers, his or their heirs or assigns, shall while such interest or any part thereof remains unpaid, commit any unnecessary waste on the premises purchased as aforesaid, it shall in such case be the duty of such commissioner or his successor in office, to commence in his own name for the use of the state, an action of trespass before some justice of the peace of the proper county or in any court of competent jurisdiction; on the trial of which, either party may require a jury, and if the jury return a verdict of guilty, a judgment shall be rendered thereon, subject to the regulations of ordinary acts, or if no jury be required to try the cause, and a judgment of guilty should be rendered, in either case the judgment shall justify and authorize such commissioner or his successor in office to take immediate possession of the tract of land in question, and for the purpose of removing such delinquent, he may call to his assistance of the posse comitatus, and from that time the state shall have of right, hold and possess such land clear of incumbrances.

SEC. 4. The commissioner shall receive the moneys arising from the sale made by him of the tract of land as required by this act, shall at the time thereof, give the purchaser thereof a certificate of the amount received upon the land sold, and the amount due thereon, and when the final or full payment shall be made on said land; and upon the presentation of such certificate, and filing the same with the treasurer of state, the purchaser or purchasers or their heirs or assigns shall be entitled to a patent deed for the tract of land so purchased from the state of Indiana, under the seal thereof, signed by the Governor and countersigned by the treasurer of state, which patent deed shall yest the legal title in the land so sold in the purchaser or purchasers, his or their heirs or assigns forever.

SEC. 5. The commissioner shall each and every year [report] to the

treasurer of state the transaction under this act.

SEC. 6. The said commissioner shall pay over to the treasurer of state or to his order, all moneys which may come into his hands from the proceeds of the sale of said land, and of the damages recovered for wastes committed under the provisions of this act, at such time as shall be directed by the said treasurer and take his receipt therefor, and such moneys shall form a part of the fund arising from the said land to be hereafter applied by the General Assembly to the purposes of education.

Sec. 7. The treasurer of state shall keep an account current with said commissioner of and concerning the moneyed transactions contemplated by this act; and the said treasurer shall be subjected in relation to the duties and liabilities by this act created, to the provisions of the revenue laws of this state so far as the same are applicable.

SEC. 8. And it is hereby made the duty of the said treasurer to loan all moneys coming into his hands by virtue of this act, under the same regulations and liabilities that he is now authorized to loan the fund arising from the sales of the seminary land in Gibson and Monroe counties, and make a report thereof to the General Assembly within the first week of the session thereof in each and every year.

SEC. 9. The said commissioner shall receive six per cent. upon all moneys paid over to the treasurer of state as aforesaid in full for all

services required of him by this act.

SEC. 10. Should the office of commissioner become vacated by resignation, death or otherwise, then and in that case, the board doing county business in the county of Dubois shall appoint some fit person thereto, who shall serve until his successor is appointed and qualified.

This act to take effect and be in force from and after its passage.

#### CHAPTER CLXXXV.

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AN ACT to provide for the establishment of a certain ferry therein named over the Wabash river at Attica.

## [APPROVED FEBRUARY 12, 1838.]

SEC. I. Be it enacted by the General Assembly of the State of Indiana, That Nathaniel Wilson, Joseph J. Eldridge and Isaac Colman, citizens of the county of Fountain be, and they are hereby authorized and empowered to establish a horse boat ferry across the Wabash river opposite to Washington street in the town of Attica; said ferry to be conducted as other ferries are, and to be regulated and governed by the laws now in force or which may hereafter be in force, in relation to ferries.

SEC. 2. That all laws and parts of laws coming within the purview of this act be, and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

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AN ACT appointing Bridge and Road Commissioners in the counties of Spencer and Perry, and defining their powers and duties.

## APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Aquilla Huff, Abner Edwards and Luther Greathouse of the county of Spencer, and J. Daniel, Frederick Conner and James Sutherland of the county of Perry, be, and they are hereby constituted and appointed commissioners, with power to receive and collect subscriptions for building two bridges across Anderson's river; one in the bend of said river near Aquilla Huff's ferry, and the other at or near the mouth of said creek.

SEC. 2. So soon as said commissioners shall have collected subscriptions sufficient to build said bridges, it shall be their duty to fix the location of said bridges, and cause said bridges to be constructed in a good, substantial and workmanlike manner; and as soon as said bridges are built, it shall be the duty of said commissioners to re-locate and mark so much of the state road from Fredonia to the mouth of the Wabash river, as may be necessary between the towns of Rockport and Troy as to make the same cross upon the bridge nearest the mouth of Anderson's river.

SEC. 3. That a mojority of said commissioners may exercise all the

powers hereby granted.

SEC. 4. That suits for the collection of subscriptions shall be brought in the name of the "Spencer and Perry county road and bridge com-

SEC. 5. That said commissioners before entering upon the discharge of their duties as such, shall take an oath that they will faithfully discharge their duties, and give bonds to the state of Indiana in the sum of two thousand dollars each, conditioned for the faithful discharge of their duties respectively; and said bonds are hereby declared to be in trust for the benefit of said counties of Spencer and Perry, and upon any breach of the condition thereof, actions may be maintained on the relation of the boards doing county business in said counties, either jointly or severally for any damages which said counties may either jointly or severally sustain by reason of such breach.

Sec. 6. Any vacancy which may occur by the resignation, death or refusal to serve of any of said commissioners, such vacancy may be filled by the board doing county business in the county where such commissioner now resides, and so from time to time as often as vacancies may occur. And the commissioners appointed by said boards doing county business shall take the same oath and give bond in the same manner as the commissioners herein named; and said bonds so given by persons so appointed to fill vacancies, are declared to be in trust for the same

uses and subject to have actions brought and maintained upon them the same manner as in case of bonds given by the commissioners herein named.

SEC. 7. Said commissioners shall have power to remove the bridge across said creek, where said road now crosses said creek, and to use the timber of said bridge or any part thereof in the construction of either of the bridges hereby authorized to be built.

SEC. 8. This act shall be in effect from and after its passage.

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## then do the condy of Periodos, and they are hereby conditioned and CHAPTER CLXXXVII.

AN ACT for the relief of John Bennett.

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SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the acting commissioner of the board of internal improvement. having the charge of the canal lands, be, and he is hereby authorized and required to pay to John Bennett of Preble county, Ohio, (assignee of Samuel Ward), the sum of one hundred and sixty-five dollars and twenty cents, out of any money in his hands, belonging to the said canal land fund.

SEC. 2. That the said John Bennett, assignee as aforesaid, be, and he is hereby required to pay over to said commissioner the sum of thirty-two dollars and sixty-four cents, being the amount of interest due to the state of Indiana on the sale to said John Bennett, as assignee as aforesaid of the northwest quarter of section number twenty, in township number twenty, north of range three east, containing one hundred and sixty acres of canal land, the same having been sold to the said SamuelWard, on the 9th day of October, 1830, in eighty acre tracts for which there was two certificates issued to the said Ward and by him assigned to the said John Bennett, which said certificates shall be, and the same are hereby revived, and made as valid both in law and equity, as they were when first issued.

SEC. 3. That the subsequent sale of said described tracts of land containing one hundred and sixty acres, which was made on the sixth day of November, 1837, to the said John Bennett, for which he holds a certificate or certificates, bearing date on the 6th day of November. 1837, and signed by Samuel Lewis, commissioner, be, and the same is hereby declared null and void and of no effect, and therefore is hereby cancelled.

This act to be in force from and after its passage.

#### CHAPTER CLXXXVIII.

AN ACT granting additional time for the collection of state and county Revenue for the year 1837, in the county of Porter.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That George Clime, collector of state and county revenue for the year 1837, in the county of Porter, be, and he is hereby permitted and authorized to complete the collection of the said revenue, in said county for the year aforesaid, and make return of the same on or before the second Monday of May next, as and under the regulations of law providing for making the return of collections, on the second Monday of December, annually: Provided, that the securities of said collector shall endorse the names on the back of his bonds agreeing to the extending of the time herein granted.

This act to take effect and be in force from and after its passage.

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## CHAPTER CLXXXIX.

AN ACT to authorize R. J. Dawson John Spencer to erect a Mill-dam across the Little St. Joseph river.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That R. J. Dawson and John Spencer of Allen county, be, and they are hereby authorized to build a mill-dam across the Little St. Joseph river, on section thirty-three in township thirty-three of range fourteen east: Provided, [that they be required to construct in or connect with said dam such slope or lock as will allow the free passage of rafts and all water crafts that are or may be necessary in the navigation of said stream.

SEC. 2. The mill house and mill to be propelled by the water raised by said dam, shall at all times be subject to the payment of any damages that may be sustained by individuals in consequence of building said dam, whether it remains in the hands of said Spencer and Dawson, or their heirs or assigns.

SEC. 3. The said Dawson and Spencer shall be entitled to all the benefits of the writ of ad quod damnum to condemn any property that may be necessary to the erection of said dam.

SEC. 4. Nothing in this act shall be so construed as to prevent the

state of Indiana at any time hereafter from directing the water of said dam or any machinery connected therewith and applying the same to any public purpose.

This act to take effect and be in force from and after its passage.

# CHAPTER CXC.

AN ACT declaring Big creek, in Posey county, a public highway.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Big creek, in the county of Posey be, and the same is hereby declared a public highway as high up the main creek as to Allcom's mill, and as high up the Hurricane Fork as the stream will admit: Provided however, that the right and privileges of those persons who have erected mills, and of those who have taken or hereafter may take, the legal step to erect mills on said creek, shall not be taken from them.

SEC. 2. The state of Indiana hereby reserves the right for herself and for the board doing county business in Posey county at any time to construct locks, gates, or slopes, as to the said board may seem best on all or any of the dams now erected or which may hereafter be erected on said creek.

This act to take effect and be in force from and after its passage.

#### CHAPTER CXCI.

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AN ACT to authorize Mary Butler to convey certain real estate.

[APPROVED FEBRUARY 17, 1838.]

Whereas, it is represented to this General Assembly that Amos Butler late of the county of Jefferson, state of Indiana, deceased, did, in his lifetime, sell certain real estate and execute bonds for the conveyance of the same, but died without having received the entire consideration money or conveying the same; therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Mary Butler, widow of the said Amos Butler, be, and she is hereby authorized and empowered in her own name to convey by deed, all or any real estate which may have been sold by said Amos Butler, and which he did not convey to the purchasers or their assigns respective-

ly in accordance with their contracts, and said deed of conveyance so made by the said Mary Butler shall pass to the grantee all title whether legal or equitable belonging to the said Amos Butler at the time of his death, to all intents and purposes as though the said Amos Butler had executed and acknowledged a like deed before his death.

This act to be in force from and after its passage.

#### CHAPTER CXCII.

AN ACT declaring Sugar creek, in Clark county, a public highway.

[APPROVED FEBRUARY 17, 1838.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Sugar creek, from its mouth to Lusk's mill, in Parke county, be, and the same is hereby declared a public highway: Provided however, that nothing in this act shall be so construed as to interfere with, molest, or disturb any mill-dam or other improvement erected upon said stream within the limits aforesaid at this time.

Sec. 2. That the board doing county business in the county of Parke, be, and they are hereby authorized and directed to divide said stream aforesaid into districts, and to assign to such district certain boundaries, and to cause all persons subject to work on public highways who may reside within one mile of said public highway to work one day in each and every year on said public highway.

SEC. 3. That each and every person being the legal owner of eighty acres of land lying and being within one mile of said public highway shall work one day on said public highway in each and every year.

SEC. 4. That any person or persons failing or refusing to comply with the provisions of this act shall, for every such failure forfeit and pay to the supervisor of such public highway, one dollar, to be recovered in an action of debt before any justice of the peace of Parke county having jurisdiction thereof.

SEC. 5. Said board of county commissioners are hereby authorized to appoint one or more supervisors whose duty it shall be to notify all persons who by this act are made liable to work on said public highway at least three days before the day appointed to work on said public highway, and to appropriate such sums of money as they may deem proper for the improvement of the navigation of such stream, out of any moneys that may be assigned or granted to said county out of the three per cent. fund, or any other fund for the improvement of roads and canals, regard being had to what may be dee-

med a fair proportion for the district in which said stream is included.

SEC. 6. That the board doing county business in the county of Parke may improve the navigation of said stream upon the petition of two thirds of the inhabitants who may come within the purview of this act not otherwise.

#### CHAPTER CXCIII.

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AN ACT establishing temporarily, a Court House in the county of Lake, and for other purposes.

#### [APPROVED FEBRUARY 17, 1838.]

Whereas, nearly all the lands within the limits of the county of Lake are yet the property of the General Government, and it being consequently impossible at present to make a permanent location of a seat of justice for said county; and whereas, notwithstanding convenient rooms have been provided for the use of said county at the residence of Milo Robinson therein, where the courts are now held, much and serious inconvenience is suffered in said county in the absence of an establishment and regulations for the time being of a specific place as the court house and seat of justice of said county.

SEC. 1 Be it enacted by the General Assembly of the State of Indiana, That hereafter, and until the seat of justice of the said county shall have been located and public buildings erected there according to law the rooms aforesaid at the residence of Milo Robinson in said county of Lake, be, and they are hereby recognized and established the court house and seat of justice of said county.

SEC. 2. That all writs assessed by the officers of said county are made returnable to the court house in the same shall be made returnable to the herein designated house above mentioned, and shall be obeyed and held as of full validity, and that all other acts and duties required by law to be done at the court house or seat of justice of the counties respectively shall be done and performed in the county of Lake at the house appropriated to the use of said county at the residence of Milo Robinson aforesaid.

SEC. 3. That if the circumstances of the county of Lake should require and the people or any individual in the said county shall determine.

SEC. 4. Provided that the county commissioners of the said county of Lake shall consent and agree to the provisions of this act, and pass a resolution to that effect at their session in May next or at the previous, if they have cognizance of the passage of this act that the board of county commissioners of the said county of Lake may select such places as to them may seem best, both for the holding of their session and

for the erection of a jail should the necessity of said county in their wisdom require the erection of the same before the permanent location of the county seat of said county.

This act act to be in force from and after its passage.

#### CHAPTER CXCIV.

AN ACT locating the county seat of Lake county.

#### [APPROVED FEBRUARY 17, 1838.]

Whereas, by an act to organize the county of Lake, approved Janury 18, 1837, Israel Rush of the county of St. Joseph, and William Allen of the county of Laporte were appointed commissioners to act with others in the location and establishment of a seat justice for the said county of Lake; and whereas, the said Israel Rush has lately deceased, and the said william Allen having refused to act under said appointment; therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Reynolds Dunn, of the county of St. Joseph, and George Clime of the county of Porter, be, and they are hereby appointed to act in the location of the seat of justice of the said county of Lake instead of the said Israel Rush, deceased, and the said William Allen declining to act.

This act to take effect and be in force from and after its passage.

#### CHAPTER CXCV.

AN ACT to provide for the election of a justice of the peace in the town of Hartsville, in Bartholomew county.

## [APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That a justice of the peace shall be elected in the town of Hartsville, in Bartholomew county by the qualified voters of the township in which said town of Hartsville may be situated in the same manner they might or could do if said town was incorporated.

Sec. 2. The board doing county business of Bartholomew county at their session, or the clerk thereof in vacation, shall cause this act to be carried into effect according to the laws in force providing for

the election of justices of the peace, and as in case a vacancy in the office of a justice of the peace.

This act to take effect and be in force from and after its passage.

#### CHAPTER CXCVI.

AN ACT relative to the county Library of Sullivan county.

[APPROVED FEBRUARY 7, 1838.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the qualified voters of Sullivan county to meet at any time it may become necessary or may best suit their convenience, and elect trustees for the county library according to the provisions of the first section of an act entitled "an act for the incorporation of county libraries," approved February 9, 1831.

SEC. 2. All laws and parts of laws coming within the purview of this act, be, and the same is hereby repealed so far as relates to the

county of Sullivan.

#### CHAPTER CXCVII.

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AN ACT providing the number and mode of electing trustees of the Posey county Seminary.

## [APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enated by the General Assembly of the State of Indiana, That so much of an act entitled an act to incorporate the county seminary of Posey, and for other purposes, approved February 1, 1832, as decides the number of trustees of said seminary, and the mode of

electing the same, be, and the same is hereby repealed.

SEC. 2. The number of said trustees shall hereafter be three; and the said trustees shall be annually chosen by the board doing county business for said county of Posey: Provided however, that one of said trustees be chosen out of the townships of Bethel, Robb, and Smith, one of said trustees out of the townships of Harmony, Lynn, and Robinson; and one of said trustees out of the townships of Black, Mars, and Point, all in said county of Posey.

This act shall take effect and be in force from and after its passage.

#### CHAPTER CXCVIII.

AN ACT for the relief of John B. Walker.

[APPROVED FEBRUARY 14, 1838.]

Be it enated by the General Assembly of the State of Indiana, That so much of an act entitled "an act to incorporate the town of Milton, in Wayne county," as includes the property of John B. Walker on which he now resides within the boundaries of said corporation, be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

#### CHAPTER CXCIX.

AN ACT to amend the charter of the borough of Vincennes.

[APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the trustees of the borough of Vincennes as often as may be necessary to elect a chairman, who, in case of the absence, sickness, or decease of the president, shall act as president, and have all the powers, and execute all the duties of president accordingly.

SEC. 2. That the sheriff, coroner, and constables of Knox county shall aid the marshall of the borough of Vincennes in preserving the peace, and in executing the ordinances of the borough, and in case of his sickness or absence, it shall be the duty of the said officers to execute as deputies to the marshall all such proceess as may be delivered

to them by the president of the borough trustees.

SEC. 3. Whenever any person shall be arrested under the authority of the borough of Vincennes after sunset or before sunrise, or in a state of intoxication it shall be lawful for the officer making such arrest to confine the person arrested in the county jail for safe keeping, until 9 o'clock, A. M. after the arrest in the first case, or until in the second case, such intoxicated person shall become sober.

SEC. 4. Whenever any fine shall be assessed, or penalty shall be adjudged against any person by the president of the board of trustees, such person shall remain in custody, and may be confined in the county jail, until such fine or penalty and all costs shall be paid or secured

to be paid by replevy bonds as in the circuit court.

Sec. 5. The levy in the prairie below Vincennes, and the drains, the ditches, any canals which are, or may be formed under the authority of the trustees of the borough of Vincennes, for the purpose of

draining the ponds in the vicinity of said borough, and all bridges erected over the same, shall be considered public property; and any inju-

ry thereto shall be punished accordingly.

SEC. 6. This act, and the acts to which this is an amendment, shall be deemed and taken to be public acts, and as such may be given in ev. idence, without pleading and without proof of the adoption of the same by the people of Vincennes.

SEC. 7. It shall be lawful for the president of the trustees of the borough of Vincennes to cause juries to be summoned when necessary.

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SEC. 8. This act to be in force from and after its passage.

#### CHAPTER CC.

AN ACT declaring Big Raccoon, in the county of Parke, a public highway.

#### [APPROVED JANUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Big Raccoon creek from its mouth to the county line between Parke and Putnam, be, and the same is hereby declared a public highway: Provided however, that nothing in this act shall be so construed as to interfere with, molest or disturb any mill-dam or other improvement erected, or hereafter to be erected upon said stream within the limits aforesaid.

SEC. 2. Be it further enacted, that the board doing county business in the county of Parke, be, and they are hereby authorized and directed to divide said stream within the limits aforesaid, into districts and to cause all persons subject to work on public highways who may reside within one mile and a half of said public highway, to work one

day on said public highway, in each and every year.

SEC. 3. Be it further enacted, that each and every person or persons being the legal owners of eighty acres of land, lying within one mile and a half of said public highway, shall work one day on said highway in each and every year, and all person or persons being the legal owners of one hundred and sixty acres of land, lying and being within one mile and a half of said public highway, shall work two days on said highway, in each and every year.

SEC. 4. And be it further enacted, That any person or persons failing or refusing to comply with the provisions of this act, shall for every such failure, forfeit and pay to the supervisor of such highway, one dollar, to be recovered in an action of debt, before any justice of the

peace in said county.

SEC. 5. Said commissioners are hereby further authorized to appoint one or more supervisors, whose duty it shall be to notify all and every person or persons who are liable to work on said highway, at least three days before the day appointed to work, and to appropriate such sums of money as they may deem proper for the improvement of said stream, out of any moneys that may be assigned or granted to said county, out of the three per cent. fund, or any other funds for the improvement of roads, regard being had to what may be deemed a fair proportion for the districts in which said stream is included.

This act to take effect from and after its passage.

#### CHAPTER CCI.

AN ACT to change the name of Maukport, in Harrison county, to that of New Market.

#### [APPROVED FEBRUARY 17, 1838.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the name of the town of Maukport in the county of Harrison be, and the same is hereby changed to the name of New Market; and the name of the said town of Maukport shall hereafter be known and called in all public transactions by the aforesaid name of "New Market," Provided however, that the change shall in no wise affect any contracts heretofore made, or any public or private rights.

This act to take effect and be in force from and after its publication.

#### CHAPTER CCII.

AN ACT to legalize the acts of the Fayette county Bridge Commissioners.

## [APPROVED, DECEMBER 28, 1837.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the acts of Benjamin John, William Watton, and John Allen, Fayette county bridge commissioners appointed to construct a bridge over the West fork of White-water river at Connersville, in the location of said bridge, and in the construction of a bridge over the mill race, for the purpose of securing access to the bridge over the river be. and the same are hereby legalized, and the said commissioners are hereby authorized to expend the moneys appropriated by an act entitled "an act to provide for the erection of a bridge over the West fork of Whitewater river at Connersville, approved February 6th, 1737. to the construction of said bridge at the point where the same has been located by the locating commissioners approinted by the act above re-

ferred to, and in the construction of said bridge over Conwell's mill race, which is now under contract.

This act to be in force from and after its passage.

#### CHAPTER CCIII.

AN ACT to authorize the election of a Justice of the Peace in the town of York-

## [APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the board doing county business in the county of Delaware be. and they are hereby authorized at their first session after the publication of this act to order the election of a justice of the peace in the town of Yorktown in the said county of Delaware by the qualified voters of the township in which said town of Yorktown is situated, in the same manner as if said town had been incorporated.

This act to take effect and be in force from and after its publication.

#### CHAPTER CCIV.

AN ACT to authorize Lewis Jones and others, to sell lot No. 67, in the town of Washington, in Daviess county, and for other purposes.

## [APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Lewis Jones, Joseph Hawkins, Robert Raper, William Bratton, Thomas Meredith, Robert Stephens, and Soloman Thomas be, and they are hereby authorized and empowered to sell at private sale or otherwise, lot number sixty-seven (67) in the town of Washington, in Daviess county, purchased by them as trustees of the Methodist Episcopal church, of William and John Hawkins.

SEC. 2. After they shall make said sale, the proceeds thereof shall be held by them, (or successors,) as trustees, and appropriated to pay as far as it will go towards the expenses of finishing the Methodist house of worship erected in the aforesaid town of Washington.

This act shall be in force from and after its passage.

#### CHAPTER CCV.

AN ACT to change the Morgansford and Brandywine Town state road.

## [APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the Morgansford and Brandywine Town state road, as has been relocated between Greenwood and the Bluff state road by Marine D. West, commissioner, be, and the same is hereby declared to be vacated.

This act to take effect and be in force from and after its passage.

#### CHAPTER CCVI.

AN ACT to provide for the salary of William Polke, late Commissioner of the Michigan Road.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the sum of two hundred dollars be, and the same is hereby appropriated as a salary and compensation to William Polke, for his last years services rendered by him to the state of Indiana as commissioner of the Michigan road, and after deducting the said amount from the amount of funds in his hands belonging to the said Michigan road fund, he shall proceed to pay over, and settle up all matters and things connected with his said office of commissioner as aforesaid, in such way and manner, as he may be, or is already directed by law, to do, and that this shall be done without delay.

SEC. 2. It shall be, and it is hereby made the duty of the auditor of state, to take said commissioner's receipt for the amount of money he is allowed by this act which he shall file away and preserve, together with the other papers connected with the Michigan road business.

SEC. 3. The remaining unexpended fund now in the hands of the board of public works, (being part of the \$1,900 placed in their hands by the commissioner of said road to defray the expenses of the late survey, &c.,) shall be by them paid over and disposed of in the same manner that is prescribed by law for the application of the other Michigan road fund now in the hands of the commissioner of said road. This act to be in force and take effect from and after its passage.

#### CHAPTER CCVII.

AN ACT to repeal an act entitled, "An Act relative to the jurisdiction of Justices of the Peace in Clay County.

## [APPROVED FEBRUARY 17, 1838.]

SEC 1. Be it enacted by the General Assembly of the state of Indiana, That the act entitled an act relative to the jurisdiction of justices of the peace in Clay county, approved January 26, 1835, be and the

same is hereby repealed.

SEC. 2. That the act entitled an act to amend an act, entitled, an act regulating the jurisdiction of justices of the peace, approved February 1, 1834, restricting the jurisdiction of justices of the peace to the townships in which they respectively reside, except as therein provided, be revived.

SEC. 3. That nothing in this act shall be construed to affect con-

tracts now in existence.

This act to take effect from and after its passage.

## CHAPTER CCVIII.

AN ACT to legalize the acts of Moses Gray, as recorder of Scott County, under the appointment of the Associate Judges of said County.

## [APPROVED JANUARY 10, 1838.]

WHEREAS it has been represented to the General Assembly, that Moses Gray was, about the middle of September, 1837, appointed by the associate judges of Scott county the recorder of said county, and acted as such under said appointment, until the meeting of the county court of said county of Scott, on the first Monday of November following, at which time he received the appointment of recorder according to law: Therefore—

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the acts of Moses Gray, as recorder of Scott county, under the appointment of the associate judges of said county be, and the same are hereby legalized and held to be as valid in law and equity as though he had been under the appointment of the county commissioner's court

of said county.

This act to take effect and be in force from and after its passage,

#### CHAPTER CCIX.

AN ACT to legalize the sale of certain Town Lots therein named, and for other purposes.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the sales of certain town lots heretofore made by John S. Barnes as an addition to the town of Nashville, the county seat of Brown county, be, and the same are hereby legalized to all intents and pur-

poses.

SEC. 2. That the board doing county business in Monroe county shall make to Joseph Baugh, a commissioner appointed to locate a State road from the county line of Monroe and Owen [counties] as prescribed by an act entitled, "an act to provide for the location of certain State roads therein named," approved February 1834, such compensation as they may deem reasonable, upon his presenting his account to them, they being satisfied with the correctness of the same.

This act to take effect and be in force from and after its passage.

#### CHAPTER CCX.

AN ACT providing for the sale of certain School Lands in the County of Sullivan.

## [APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the school commissioner of the county of Sullivan be, and he is hereby authorized at any time he may judge most proper, proceed to sell and convey any land which may have been appropriated for the use of common schools, in fractional township number seven north, of range eleven west, in the county of Sullivan, in like manner as if the aforesaid land had been ordered to be sold by a competent number of legal voters of the aforesaid township.

Sec. 2. All monies arising from the sale of the aforesaid lands shall be loaned in the same manner as other school funds; and the interest shall be annually applied towards paying the salary of the aforesaid school commissioner until otherwise directed by law. All laws and parts of laws which contravene the provisions of this act is hereby repealed, so far as relates to the above named fractional township.

#### CHAPTER CCXI.

AN ACT to provide for Draining the low lands around Centre Lake, in Steuben County.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Thomas Gale and others, wishing to drain the lands around a lake known by the name of Centre lake, lying north-west of the town of Angola, in Steuben county, by lowering the said lake, be, and the same are hereby entitled to all the provisions of an act, to provide for draining the swamps, ponds, marsbes, and other low lands within the counties of Tippecanoe, Montgomery, Clinton, and Warren, approved February 3, 1832.

This act to take effect and be in force from and after its publication.

#### CHAPTER CCXII.

AN ACT to legalize the acts of Thomas Bowman.

[APPROVED FEBRUARY 14, 1838.]

Whereas it is represented to this General Assembly that an act passed at the last session thereof, entitled, an act to locate a bridge and re-locate a part of a certain State road in the county of Vermillion, approved February 2, 1837, the name of Moses Bowman was inserted in said act, as one of the commissioners appointed to locate said bridge, and also to re-locate said State road, and that Thomas Bowman is the name then intended to be inserted in said act, in lieu of Moses Bowman, there being no person in said county, of the name of Moses Bowman.

And whereas it is further represented that the said Thomas Bowman did, as required by said act, take the necessary oath, and agreeably to the provisions of said act proceed to discharge his duty as such commissioner, in the same manner as if said error in his name in said act did not exist.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the said acts of the said Thomas Bowman, as such commissioner be, and the same are hereby legalized.

This act to take effect and be in forch from and after its passage.

#### CHAPTER CCXIII.

AN ACT giving the State of Illinois the right of way within this State, to connect the northern Cross Rail Road, in Illinois, with the Wabash and Eric Canata Perrysville, Indiana.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the State of Illinois is hereby granted the right of way to connect the northern Cross Rail-road in said State of Illinois, with the Wabash and Erie canal, at a point at or near the town of Perrysville, Indiana.

SEC. 2. That the said State of Illinois shall in relation to the right of way granted in the first section of this act have all the rights, privileges, and benefits enjoyed on that portion of the line within Illinois.

SEC. 3. That should the said State of Illinois, construct said rail road, as allowed in the first section of this act, the State of Indiana reserves to herself the right of purchasing, at any time, that portion of said rail road within her limits, at whatever it may cost the State of Illinois to construct the said road, together with the interest on the money so expended.

Sec. 4. That nothing in this act shall be so construed as to interfere with the provisions of an act entitled, an act to incorporate the Crawfordsville, Covington, and Illinois rail road company, approved February 5, 1836, without the consent of that corporation.

SEC. 5. This act to continue in force no longer than the aforesaid

This act to take effect and be in force from and after its passage.

## CHAPTER CCXIV.

AN ACT to legalize the acts of the Recorder of Jackson County.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all and singular the acts of John Hamilton, as recorder of the county of Jackson be, and the same are hereby legalized and declared valid, notwithstanding any irregularity or illegality in the appointment of the said John Hamilton, to the office of recorder for said county, and that such appointment is hereby declared to be good and valid until a recorder for said county of Jackson, shall be duly elected and qualified according to law.

#### CHAPTER CCXV.

AN ACT to legalize the acts of Anthony F. Smith, as Assessor of Fulton County for the year 1837.

## [APPROVED DECEMBER 19, 1837.]

Whereas it is represented to the General Assembly of the State of Indiana, that the board of county commissioners of the county of Fulton did at their January term, in the year 1837, in good faith appoint Anthony F. Smith, a citizen of said Fulton county, assessor of the taxable property in said county; and whereas it is further represented that said Smith did by virtue of his said appointment proceed to discharge his duties as assessor, and has done the same to the satisfaction of said board of county commissioners; and whereas it now appears that said Smith was not at the time he received said appointment, of the age of twenty-one years, a fact not known to the said board at the time they made the appointment: Therefore—

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the acts and doings of Anthony F. Smith, as assessor for the county of Fulton for the year 1837, be, and the same are hereby legalized and in every respect as valid and obligatory, both in law and equity, as if the said Anthony F. Smith had been of the age of twenty-one years at the time he made said assessment.

This act to be in force from and after its publication in the Logansport Telegraph, a public newspaper published in the town of Logansport, in the State of Indiana.

#### CHAPTER CCXVI.

AN ACT relating to the acts of Householders in the County of Lake.

## [APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That until such time as the absolute freehold shall be vested in the inhabitants of the county of Lake, of the lands in said county, by entry or by public sale of the same, by the General Government, the acts of householders in the said county of Lake shall be held in law as of the same effect and validity as the acts of freeholders.

This act to take effect and be in force from and after its passage.

#### CHAPTER CCXVII.

AN ACT to legalize the sale of the School Section of Congressional Township number three north of range number eight east, in Scott county.

## [APPROVED FEBRUARY 1, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all and singular, the proceedings of the trustees of congressional township number three north, of range number eight east, in Scott county, and of the school commissioner of said county in relation to and connected with the sale of the school section of the aforesaid congressional township be, and the same are hereby legalized; and the sale of said school section is to all intents and purposes declared valid, according to the existing school laws on the subject.

This act to take effect and be in force from and after its passage.

#### CHAPTER CCXVIII.

AN ACT supplementary to an act, entitled, an act to authorize an additional Justice of the Peace in Brown Township, in Montgomery County, Indiana.

## [APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of said bill as relates to the justice of the peace to be elected, residing in Waveland, be, and the same is declared to be a misprint.

## CHAPTER CCXIX.

AN ACT declaring Turman's Creek a public highway.

## [APPROVED FEBRUARY 7, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Turman's creek, in Sullivan county be, and the same is hereby declared a public highway, from its mouth to Johnson and Davis' mill: Provided, That nothing in this act shall be so construed as to injure any mill dam or bridge, which may now be erected across said stream.

#### CHAPTER CCXX.

AN ACT to legalize the election of Seminary Trustees in Hancock County

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the election of John Hare, Andrew W. Patterson, and Isaac Willitts as seminary trustees, of the county of Hancock be, and the same is hereby legalized, and to have the same effect as if a majority of the qualified electors of said county had participated in such election.

This act to take effect and be in force from and after its passage.

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#### CHAPTER CCXXI.

AN ACT to provide for the collection of a part of the Revenue of Laporte County, and for other purposes.

## [APPROVED JANUARY 25, 1838.]

Whereas, it is represented to this General Assembly, that much doubt exists as to the legality of the assessment of a portion of the lands in said county of Laporte, owing to the same not having been made by the personal inspection of the assessor, and a return thereof not having been made according to law: Therefore—

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the revenue of said county as has not been paid, owing to the causes aforesaid, be collected from the assessment of the year 1838, and in compliance with all the laws which were applicable to the collection of said revenue at its proper time, except so far as it is necessary to vary the application of the same, owing to said difference of time in the collection of the said revenue, owing to its collection depending upon the assessment for 1838, instead of 1837.

SEC. 2. And that no lands which have been illegally assessed as aforesaid, nor the owner nor owners of the same, shall be liable to pay any damage or amount whatever, owing to the taxes which have been charged upon said illegal assessment, not having been paid: Provided, Payment is made in compliance with the first section of this act.

SEC. 3. The board doing county business in the county aforesaid, is hereby required at their next May term to hear and decide upon the complaints of such persons as have conceived themselves aggrieved, owing to their baving made payment of their taxes upon the illegal assessment aforesaid, and to give to those whom they may decide have

paid more than their just amount of taxation; an order upon the collector of said county for such amount, which order shall be received by said collector in payment for taxes due, either for the year 1837 or 1838.

This act to be in force from and after its passage.

#### CHAPTER CCXXII.

AN ACT appointing a Commissioner for certain purposes therein named.

## [APPROVED FEBRUARY 19, 1838.

Whereas, it is represented to this General Assembly, that Jeremiah Smith, of Randolph county, in this State, on or about the fifteenth day of June, A.D., 1837, in partnership with Stephen Dye, a citizen of the said county of Randolph, purchased certain real estate adjoining the town of Windsor, in said county, a part of which said purchasers laid cut into town lots as an addition to said town of Windsor; and whereas it is further represented, that the said Smith and Dye sold sundry lots in said addition, to wit: Lots numbered one, five, and eight, in block number three-lots numbered five and seven, in block number seven; and lots number one, two, and seven, in block number eight, as numbered upon the plat thereof, for which title bonds were given, binding the said Smith and Dye to convey the said lots to the purchasers thereof, their heirs, or asssgns, in fee simple, upon the payment of the purchase money therefor, their heirs or assigns; and whereas it is further represented, that after the said sale, and before the said conveyances were made, to wit: on or about the twenty-eighth day of December, A. D., 1837, the said Stephen Dye died; for remedy whereof-

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Andrew Dye, of the county of Randolph be, and he is hereby appointed commissioner, to make, execute, and deliver to the purchasers of lots numbered one, five, and eight, in block number three; lots numbered five and seven, in block number seven, and lots number one, two and seven, in block number eight, as numbered upon the plat of the town of Windsor, in Randolph county, Indiana, or to the heirs or assigns of said purchasers, a deed or deeds in fee simple, according to the tenor and effect of the several bonds executed by Jeremiah Smith and Stephen Dye, to the aforesaid purchasers.

SEC. 2. That the said deed or deeds shall be taken and held valid in law, and the title thereby conveyed, shall be considered in fee.

This act to take effect and be in force from and after its passage.

## CHAPTER CCXXIII.

AN ACT to authorize the election of an additional justice of the peace in Hendricks county.

## [APPROVED FEBRUARY 7, 1838.]

Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of the county of Hendricks shall if they deem it expedient order the election of an additional justice of the peace in Marion township in said county, and such justice shall be elected and reside in the town of New Williamsburgh in the said township of Marion.

This act to take effect and be in force from and after its passage.

#### CHAPTER CCXXIV.

AN ACT to change the name of the town of Middletown in Washington county to Claysville.

## [APPROVED, FEBRUARY 17, 1838.]

Be it enacted by the General Assembly of the State of Indiana, That the name of the town of Middletown in the county of Washington be, and the same is hereby altered and changed, and shall hereafter be known and designated by the name of Claysville, which said name of Claysville the recorder of said county is hereby authorized and directed to record upon the plat of the town of Middletown recorded in the records of his office, which said name of Claysville when so recorded, shall be taken and recognized as the true and proper name of said town in all cases whatever: Provided however, that such change of name shall not affect any private or public right.

#### CHAPTER CCXXV.

AN ACT to legalize the sale of certain school lands in Orange county.

#### [APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the acts of William Lindley, school commissioner of Orange county, in relation to the sale of the 16th section in township three, north of range two west, situated in Lawrence and Orange counties, be, and the same is hereby legalized.

SEC. 2. That the said commissioner be authorized to make as full and complete title to said land to the purchasers as if no doubts or illegality had existed in relation to said sale, and that the titles of the respective purchasers thereto, be, and they are hereby confirmed to all intents and purposes.

This act to take effect and be in force from and after its passage.

## CHAPTER CCXXVI.

AN ACT granting additional time for the collection of the state and county revenue in the county of Lake.

## [APPROVED FEBRUARY 14, 1833.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Luman A. Fowler, collector of the state and county revenue in the county of Lake for the year 1837, be, and he is hereby authorized and permitted to complete the collection of the said revenue, assessed in the said county of Lake, for the year 1837, and make return of the same on or before the first Monday of May next, subject to the regulations of law made and provided for making returns of collections, on the 2d Monday of December annually: Provided, the sureties on the bond of the sheriff or collector aforesaid assent to the extension of time granted by the provisions of this act, and that they signify such assent by an endorsement to that effect, on the original security bond.

This act to take effect and be in force from and after its passage.

#### CHAPTER CCXXVII.

AN ACT dissolving the bonds of matrimony between John Duvall and Nancy Duvall.

#### [APPROVED FEBRUARY 17, 1838.]

Be it enacted by the General Assembly of the State of Indiana, That the bonds of wedlock heretofore entered into and existing between John Duvall and Nancy Duvall alias Nancy Slack, be, and the same are hereby dissolved and set aside as null and void.

This act to take effect and be in force from and after its passage.

## CHAPTER CCXXVIII.

AN ACT amendatory of the act entitled "an act for the formation of the Pleasant Run school district in Carroll county.

## [APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the words in the first section of the above named act, viz: "beginning at the northwest corner of said township, thence west," &c. are declared a misprint, and that the true reading of the same is "beginning at the northeast corner of said township, thence west," &c.; and the said act shall henceforth be construed in accordance with said true reading, and all acts done in pursuance of powers granted by said act by trustees or others, shall be valid and of the same force and effect as if such misprint had not happened.

SEC. 2. The acts of the trustees of said Pleasat Run school district are hereby legalized, and any informality in their appointment as such, shall not in any case invalidate their acts, when such acts are in

other respects conformable to law.

SEC. 3. All lands in said district subject to tax, and such lands as the state may have a lien upon, shall be subject to taxation for the purpose of raising funds for the building school houses in said district, deducting from the valuation of such lands the amount of such lien, the residue of which valuation to be subject to such tax as aforesaid.

SEC. 4. The trustees of said school district shall have power and authority to collect the value of any labor that may be required by law, for the purpose of building school houses, in money, where, in the opinion of the trustees, it will be for the interest or benefit of the citizens of said district to do so.

This act shall be in force and take effect from and after its passage.

#### CHAPTER CCXXIX.

AN ACT for the formation of a special school district in Marion county.

[APPROVED FEBRUARY 17, 1838.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That section thirty-one, in township fifteen, north of range four east; the east half of section thirty-six, in township number fifteen, north of range three; the northeast quarter of section one, township number fourteen north of range four east, in Marion county, be, and the same are hereby respectively formed into a school district; and the said school district with such contiguous territory as may hereafter be attached by the consent of those adjacent districts heretofore formed, shall be entitled to all the privileges and immunities, which to all other school districts belong or in anywise appertain; and shall be governed by the general laws: Provided however, that before said district shall be properly constituted under this act, it shall be necessary for the inhabitants of said territory to obtain the consent of the boards of trustees of the respective congressional townships out of which said special school district is to be taken.

SEC. 2. The district trustees of said special district shall when making an enumeration of the number of inhabitants entitled to vote, the quantity of land held by each voter, with the number of children in each family, as now provided by law on that subject, make out a list of such enumeration for that part of each congressional township in said district, and return the same to the clerk of the congressional township

to which such part may belong.

SEC. 3. And the trustees of said special school district shall be entitled to draw their just proportion of the public funds from the respective townships according to the number of children as in other cases.

SEC. 4. And beit further enacted, that the inhabitants of the third school district in the town of Indianapolis, be, and they are hereby authorized to build a school house on the northwest corner of square number twenty-two of said town, commonly known as the hospital square and keep the same for a school house until said square is wanted for hospital purposes.

This act to be in force from and after its passage.

#### CHAPTER CCXXX.

AN ACT to organize the county of Whitley.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That from and after the first day of April next that the county of Whitley shall enjoy all of the rights and jurisdiction which to separate and

independent counties do or may properly belong.

SEC. 2. That Madison Sweetzer, W. H. Coombs of the county of Allen, Daniel R. Bearss of Miami county, and David Burnett of Wells county, be, and they are hereby appointed commissioners for the purpose of fixing the permanent seat of justice of the said county of Whitley agreeably to the provisions of an act entitled "an act to establish the seats of justice in new counties," approved January 14, 1824. The said commissioners above named or a majority of them shall convene at the house of James Parrett on the first Monday in May next, or as soon thereafter as a majority of them shall agree upon.

SEC. 3. It shall be the duty of the sheriff of the county of Allen to notify the commissioners above named either in person or by writing of their appointment, and the place appointed for them to meet, and the county commissioners of Whitley county shall make said sheriff a reasonable compensation for said services out of any money in the trea-

surv of Whitley county.

SEC. 4. The circuit and other courts of said county shall be held at the house of James Parrett or any other place in said county where said courts may adjourn to, until suitable accommodations can be had at the seat of justice thereof, after which the courts shall be held at

the county seat.

SEC. 5. The board doing county business in said county when elected and qualified may hold special sessions (not exceeding three), the first year after the organization of said county, and shall appoint a lister, and shall make all other appointments and do and perform all other business that might have been necessary to have been performed at any regular session, and take all necessary steps to assess and collect the county and state revenue.

SEC. 6. That the county of Whitley shall be attached to the eighth judicial circuit for judicial purposes, and to the county of Huntington for representative purposes, and to the county of Allen for

senatorial purposes.

SEC. 7. This act to be in force from and after its passage.

## CHAPTER CCXXXI.

AN ACT to vacate the town of Grandview, in the county of Clinton.

[APPROVED FEBRUARY 17, 1838.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the town of Grandview, in the county of Clinton, heretofore laid off by Alfred Miller and Obed Miller, be, and the same is hereby

This act to take effect and be in force from and after its publication.

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## CHAPTER CCXXXII.

AN ACT on the subject of leasing water power at the Delphi Dam.

[APPROVED FEBRUARY 17, 1838.]

Whereas, the interest of the state and country surrounding the Wabash dam near Delphi, would be much promoted by the early im-

provement of the water power by said dam; thererfore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the acting commissioner on the Wabash and Erie canal, is hereby directed to cause to be improved at as early a day as will comport with the interest of the state the water power created by said dam, on each side of the river in such manner as will afford the facilities of water power for propelling machinery for manufacturing purposes, to such an extent as in his opinion the circumstances of the county will require, confining such improvements to such lands, or donation of land as is or may hereafter be donated to the state for that purpose.

SEC. 2. That said commissioner may grant leases for a term of years to individuals or companies, for the purpose of effecting said improvements, who will undertake their construction upon such terms and conditions as in his opinion will be best calculated to effect the object and promote public interest, requiring such improvements to be constructed, according to plans furnished by the resident engineer, to be approved of by said commissioner, and when such lease shall have expired, the same to be delivered up to the said commissioner or other person acting for the state, and thenceforth to be rented or leased for the benefit of the state on the same terms, that is or may be prescribed by law, for leasing water power in other cases.

## CHAPTER CCXXXIII.

AN ACT to change the names of the towns of St. Joseph Iron Works and India. na City, in St. Joseph county, to that of Mishawaka.

## [APPROVED FEBRUARY 17, 1838.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the name of the town of St. Joseph Iron Works and the name of the town of Indiana City in St. Joseph county, be, and the same are hereby changed to that of Mishawaka, and that all the lots now laid out on either side of the Big St. Joseph river, whether included within the towns of St. Joseph Iron Works, Indiana City, Mishawaka or additions thereto, be included within the incorporation of the town of St. Joseph Iron Works, (hereafter to be known by the name of Mishawaka): Provided, nothing in this act shall be so construed as to interfere with the vested rights of any person or persons.

SEC. 2. This act to take effect and be in force from and after its

publication in the South Bend Free Press.

## CHAPTER CCXXXIV.

AN ACT to change the name of the town of Middleton, in Owen county.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the name of the town of Middleton, in the county of Owen, shall be, and the same is hereby changed to that of Wadeville, and that the said town shall for all purposes hereafter be styled and called by the name of Wadeville: Provided that changing shall not affect any contracts or conveyances heretofore made, and that all titles to property situated in said town yet incomplete shall be made descriptive of the name of said town as herein changed.

This act to take effect and be in force from and after its passage.

## CHAPTER CCXXXV.

AN ACT to change the name of a town.

[APPROVED FEBRUARY 17, 1838.]

Be it enacted by the General Assembly of the State of Indiana, That the name of the town of Vienna in the county of Rush and state of Indiana shall hereafter be called and known by the name of Central Vienna, in all public transactions whatsoever; Provided however, that this change shall in no way affect any contract heretofore made, or any private or public rights.

This act to take effect and be in force from and after its passage.

## CHAPTER CCXXXVI.

AN ACT for the formation of Union School District.

#### [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter the following district of country in the county of Morgan, shall form and constitute Union School District, to-wit: Beginning at the mouth of White Lick, running thence north with the meanders of said creek, to the section line dividing sections thirty-six and twenty-five, thence east with the range line dividing ranges one and two east, thence south to the township line, dividing townships twelve and thirteen north, thence east to White river, thence south with the meanders of said river to the place of beginning, and that the inhabitants of said district be allowed to participate in the school funds of the respective townships from which the said district is taken, in proportion to the number of children therein.

SEC. 2. It is hereby made the duty of the trustees of township twelve, north range one east to appoint sub-trustees for the Union district, whose duties it shall be to serve as is provided in the ninth section of the fifth chapter of an act incorporating congressional townships. and providing for public schools.

SEC. 3. The citizens of Union district shall be governed in all re-

spects by the act to which this is an amendment.

SEC. 4. This act to be in force from and after its passage.

#### CHAPTER CCXXXVII.

AN ACT legalizing certain proceddings in relation to certain school lands and school trustees in Lawrence county.

## [APPROVED DECEMBER 12, 1837.]

Whereas, it is represented to this General Assembly, that an election for the sale of the reserved section in congressional township number four north of range one west in Lawrence county, was held on the 15th day of March, 1834, and that the sale of the said section was had on the 23d day of May, 1834; and whereas, it is also represented that an election for the sale of the reserved section in congressional township number three north of range one east in said county was held on the 26th day of July, 1834, and that the sale of said section was had on the 3d day of October, 1834; and whereas, it is also represented that there was a failure to elect school trustees in township five north of range one west in said county, on the day fixed by law for said election in the month of August, 1837, and that only one trustee was appointed, the other two trustees of said township acting on the commissions received by them at the former election, and that said township has been divided into districts, and threeof said districts have commenced erecting school houses; therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the election for the sale of the reseved section in congressional township number four north of range one west in Lawrence county, held on the 15th day of March, one thousand eight hundred and thirty-four, and the sale of the said section had on the 23d day of May, one thousand eight hundred and thirty-four; the election for the sale of the reserved section in congressional township number three north of range one east in Lawrence county, held on the 26th day of July one thousand eight hundred and thirty-four, and the sale of said section had on the 3d day of October, one thousand eight hundred and thirty-four and the appointment and acting of the school trustees now acting as such in congressional township number five north of range one west in Lawrence county in the divisions of said township number five into districts, and the division of said township, be, and the same are hereby legalized.

This act to take effect and be in force from and after its passage,

#### CHAPTER CCXXXVIII.

AN ACT legalizing the sale of School Lands in Parke county.

#### [APPROVED FEBRUARY 17, 1838.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the sale of the school sections in township seventeen north of range six west, township seventeen north of range seven west, town sixteen, north of range eight west, and town sixteen north of range seven west, town sixteen north of range six west, and town fifteen north of range eight west, in the county of Parke, be, and the same are hereby legalized.

## CHAPTER CCXXXIX.

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AN ACT authorizing a change of venue in certain cases therein named.

## [APPROVED JANUARY 20, 1838.]

Sec. 1. Be it enated by the General Assembly of the State of Indiana, That the circuit court of the county of Monroe, be, and the same is hereby authorized and directed to change the venue in three certain cases now pending and undetermined in said court, wherein the state of Indiana is plaintiff, and one Joshua Giffing is defendant, upon three several indictments, one of which charges the said defendant, with the commission of the crime of murder, one of the commission of an assault and battery, with intent to kill, and the other with an assault and battery; said venue to be changed from the said county of Monroe to the circuit court of the county of Putnam: Provided, that application for such change of venue be made to the circuit court of the said county of Monroe, at the next term thereof, after the passage of this act.

SEC. 2. On such change of venue being made the circuit court of the said county of Putnam shall have the same jurisdiction to try said causes as if the supposed offences in said indictment mentioned, or with which the said defendant stands charged had been committed by the defendant, in the said county of Putnam, and also full power and authority to summon and recognize witnesses, and to do and perform all other things proper and necessary for the trial of said causes.

SEC. 3. That the papers in the said causes shall be forwarded by the clerk of the said circuit court of Monroe county, to the clerk of the said circuit court of Putnam, after the change of venue hereby authorized, shall be taken in the same manner and under the same re-

gulations as are prescribed in the act entitled "an act prescribing the mode of changing the venue," approved January 28th, 1824.

This act to take effect and be in force from and after its passage.

## CHAPTER CCXL.

AN ACT legalizing certain proceedings in relation to the sale of certain School Lands in Cass county.

[APPROVED FEBRUARY 12, 1838.]

Whereas, it is represented to this General Assembly that on the 22d day of October, 1832, the school commissioner of Cass county, under the provisions of the law of 1831, offered at public sale the reserved section number sixteen, in congressional township number twenty-seven, north of range two east; and whereas, also, it is further represented that certificates of purchase to the purchasers thereof, were properly executed by the commissioners aforesaid, after the full and entire payment of the purchase money therefor. And whereas, also, it is further represented that John Plummer, Isaac Railsback, Elijah Baker, David Baker, and Nathan Julian, are now the holders and owners of said lands, either as original purchasers or assignees of the purchasers: And whereas, it is further represented that there remains on record no evidence of the clerk of election, having certified to the school commissioner the wish of a majority of the qualified voters of said township, that said section should be sold as prescribed by law, although such meeting was held and such wish clearly expressed by a competent majority: And whereas, it is further represented, that the certificate of the trustees of said township of the division of said section into lots, required by law, was never recorded by said school commissioner, although such certificate was forwarded to said commissioner: And whereas, it is further represented, that the aforesaid school commissioner failed to deliver a true copy from his record book of the record of the sale of lots of said section, to the recorder of the county of Cass, within five days thereafter, and that thereafter the same was never placed upon the proper records of the county; for remedy whereof,

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That the acts and omissions of the school commissioner in relation to the sale of the reserved section number sixteen, in town twenty-seven north of range two east, in Cass county, on the 22d day of October, 1832, and the subsequent omissions and failures of said commissioner, in relation to said sale, be, and the same are hereby legalized.

SEC. 2. That the titles of John Plummer, Isaac Railsback, Elijah Baker, David Baker, and Nathan Julian, the present holders and

owners, either as original purchasers or assignees of said purchasers, to the several lot or parcels of said section, so sold as aforesaid, by the school commissioner of Cass county, be confirmed and legalized, as fully to all intents and purposes as if there had been no omission upon the part of the said school commissioner at or since the sale thereof.

This act shall take effect and be in force from and after its passage.

#### CHAPTER CCXLI.

AN ACT for the relief of Campbell Dale.

[APPROVED FEBRUARY 14, 1838.]

Whereas, the east half of the south east quarter of section ten in town nineteen, north of range eight east in the county of Madison agreeable to the provisions of the acts of 1832 and 1835, became forfeited to the state of Indiana, and was, on the 23d day of December, 1837, agreeable to the further provisions of said acts, sold by the school commissioner of said county, and purchased by Campbell Dale of Delaware county, its former owner and proprietor, for the sum of eight hundred dollars; therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That said Campbell Dale, be, and he is hereby exonerated from the payment of said sum of eight hundred dollars, and that he have immediate restitution of all or any of the sums of money that he may have advanced towards the liquidation of said sum of money: Provided, the said Campbell Dale pay the full amount of taxes due on said land, together with the penalty, per centage, and costs accruing upon the forfeiture and sale thereof.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CCXLII.

AN ACT declaring a misprint.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the names of Samuel Stewart and Samuel Street, and also the word Sullivan after the name of Henry Crist, in the first section of

an act entitled an act to establish a state road from a point in the county of Clay to the Wabash river near the mouth of Honey creek in Vigo county, and thence to the state line, be, and the same is hereby declared a misprint, and that the names of Samuel Stuart and Samuel Street were both intended to be Samuel Stout and the word or name of Sullivan after the name of Henry Crist was intended to be Clay.

SEC. 2. All acts done or performed by the commissioner named in the the above recited act in compliance with the provisions of said act

be and the same are hereby legalized.

This act to be in force from and after its passage.

## CHAPTER CCXLIII.

AN ACT to change the mode of doing county business in the county of Scott.

#### [APPROVED FEBRUARY 17, 1838.]

SEC. 1 Be it enacted by the General Assembly of the State of Indiana, That from and after the passage of this act the qualified justices of the peace in the county of Scott, shall constitute the board doing county business therein, and shall be known and designated as the board of justices of Scott county, and as such shall be entitled, to all the rights, privileges and powers of, and subject to all and singular, the duties and requirements to which by the acts regulating the mode of doing county business in the several counties in the state, the present board of commissioners of said county are subject.

SEC. 2. The justices of said county shall at their first meeting, and annually thereafter, elect one of their body president of said board, whose duty it shall be to propound questions for the action of said board, preside over their deliberations, keep order, pronounce their decisions, and sign their proceedings; Provided, that in the absence of the president the board shall elect one of their number president, pro tem. who shall exercise all the powers, and perform all the duties here-

in required of the president.

SEC. 3. It shall require one justice from each township in said county to form a quorum to do business, and in the event of a quorum not being present at any regular session, such as do attend, shall issue a writ or writs of attachment and compel the attendance of absent members, and for such purposes an adjournment may be had from day to day; and it shall be the duty of the sheriff of said county to serve such writ or writs of attachment.

SEC. 4. It shall be the duty of the justices of said county to be punctual in their attendance at the times and places appointed by law

to do county business in said county, and on the failure of any justice of the peace of said county to attend as aforesaid, without a reasonable excuse, such failing justice or justices shall be on presentment or indictment fined not exceeding twenty dollars for the use of the county seminary of said county.

SEC. 5. The justices of the peace of said county, shall after the passage of this act, be exempt from performing militia duty, serving on juries, working on roads and public highways, and from the payment of a poll tax for county purposes, and shall not receive any other or greater compensation for any of the duties enjoined on them by this act.

SEC. 6. The present board of commissioners of said county are hereby dissolved.

This act to take effect and be in force from and after its publication in the Indiana Journal.

# Sec. 2. Used the minuseer to be build investigation be disorted to two disorted in two distances and the part of the contract CHAPTER CCXLIV.

AN ACT for the relief of the Collector of Jay County. ground that the early we have been and agon this agon that her north

## [APPROVED FEBRUARY 14, 1838.]

Whereas, that portion of the laws to be distributed in Jay county did not arrive in said county until after the time that the board of commissioners for said county had furnished a duplicate list of taxables to the collector, and assessing the rate of tax as established previous to the law of last session, and the said collector proceeded to levy at the rate of five cents on the hundred dollars, and to collect the same; and whereas the said collector on arriving at the seat of government made up the deficit, amounting to eighteen dollars and ninety-four cents, from his private funds: Therefore-

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the auditor of public accounts be, and he is hereby authorized and directed to draw his warrant on the Treasurer of State, for the amount of eighteen dollars and ninety-four cents, in favor of Wm. Vail,

late collector of the revenue in Jay county.

SEC. 2. That it shall be the duty of the county board of Jay county, to cause to be made out a duplicate of the assessment of property for said county, as assessed for the year 1837, and to levy upon the same at the rate of ten cents on each one hundred dollars of the valuation of the same; and which duplicate roll shall be placed in the hands of the collector who may be appointed to collect for said county, for the year 1838, whose duty it shall be to collect the same as other taxes are collected, and to pay the same into the State treasury.

This act shall be in force from and after its passage.

#### CHAPTER CCXLV.

AN ACT to provide for the payment of Clerks employed by the Revising and Investigating Committees during the present session of the General Assembly and for other purposes.

#### [APPROVED FEBRUARY 7, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the clerks employed by the revising and bank investigating committees of the two Houses during the present session of the General Assembly, be allowed three dollars per day for their services, to be audited on the certificate of the chairman of the proper committee, countersigned by the president of the Senate, or the speaker of the House

of Representatives, as the case may be.

SEC. 2. That the witnesses in the bank investigation be allowed two dollars per day for their attendance at the seat of government as such witnesses, and five cents per mile for each mile travel in going to and returning from the seat of government, to be certified and audited as provided in the first section of this act: Provided, however, That no witness shall receive such allowance for traveling, except such traveling as was in obedience to the summons of the House of Representatives, and shall receive no pay except for such time as said witnesses may have been necessarily detained for the purposes of said examination.

This act to be in force from and after its passage.

## CHAPTER CCXLVI.

AN ACT to permit and authorize the State of Ohio to construct a part of the Cincinnati and White Water Canal, within the Territory of the State of Indiana.

## [APPROVED FEBRUARY 17, 1838.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the State of Ohio or the Cincinnati and White Water Canal Company, acting under authority derived from said State by their charter, be, and is hereby permitted, to locate and construct so much of the Cincinnati and White Water canal, lying in the State of Indiana as may be found necessary for the purpose of connecting said canal with the White Water canal of this State, at any point between the pool in which said White Water canal crosses the White Water river, near Harrison, and the first lock north of said crossing, so as to draw the

necessary water for the navigation of said Cincinnati and White Water canal from said pool, as required by the act of the legislature of the State of Ohio, authorizing the State of Indiana to construct the White Water canal through the territory of Ohio.

SEC. 2. That all laws of this State now in force, or which may hereafter be enacted for the protection of the Indiana canals and works connected therewith, be, and are hereby extended to the protection of so much of the Cincinnati and White Water canal, and the works connected therewith, as may be constructed in the territory of Indiana by the authority of this act.

SEC. 3. That the State of Ohio or the Cincinnati and White Water canal company, acting under the authority of said State, be, and is hereby authorized to collect tolls on said portion of the Cincinnati and White Water canal, lying within the territory of Indiana, at the same rates as may be charged upon other parts of said canal.

SEC. 4. That whenever said portion of said canal shall cross any established road or highway, it shall be the duty of the State of Ohio or said company, as the case may be, to construct good and substantial bridges, for the passage of such roads or highways over said canal, and to keep the same in repair, and re-build the same whenever they may have become decayed.

#### CHAPTER CCXLVII.

AN ACT authorizing the sale of a certain School House and Lot in the County of Washington.

## [APPROVED JANUARY 10, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Wm. Hobbs, Benjamin Pritchard, Benjamin Albutson, Alexander Little and John S. Harned, trustees of the school house known by the name of the Washington academy, situated in the county of Washington or a majority of them be, and they are hereby authorized to sell said building and the ground attached thereto, being a part of the northeast quarter of section eleven, in township two north, of range four east, from the second principal meridian.

SEC. 2. The moneys arising from such sale shall be by the above named trustees, or a majority of them, divided in proportions among the stockholders according to the amount of stock held by them re-

spectively.

SEC. 3. The said trustees, or a majority of them, before selling the said premises, shall first give public notice of such sale at least thirty

days previous to the sale thereof in the newspaper printed in the town of Salem, and may at their discretion fix the terms of sale.

SEC. 4. The said trustees, or a majority of them, are hereby authorized to make a good and sufficient deed in fee simple, to the purchaser or purchasers of said premises.

This act shall be in force from and after its passage.

## CHAPTER CCXLVIII.

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For case, contains under the authority of sole State, be, and is

AN ACT to legalize the sale of School Lands in the County of Floyd.

## [APPROVED JANUARY 25, 1838.]

WHEREAS, it has been represented to this General Assembly, that the township trustees of congressional township two south, of range five east, in the county of Floyd, certified to the school commissioner of said county, that an election was holden in said township on the thirtieth day of August, 1834, to determine whether the school section in said township should be sold or not, and that at said election a majority voted in favor of the sale of said school section; and, whereas it is further represented to this General Assembly that the board of county commissioners of said county, issued their orders, requiring the township trustees in congressional townships two south, of range six east, and township three south, of range six east, in said county, (through the school commissioner,) to cause elections to be holden in their respective school townships, to determine whether the school sections in said townships should be sold or not; and that the said trustees certified to the school commissioner said elections were holden on the tenth day of December, 1836, at which several elections a majority voted for the sale of the school lands in their respective congressional townships; and it has been further represented that said lands were sold in the following order, to wit: Section sixteen, town two south, of range five east, on the fifth day of January, 1835; section sixteen, of township two south, of range six east, on the eighteenth day of November, 1837; and that section sixteen of town three south, of range six east, was sold on the twenty-seventh day of June, 1837, as appears from the record of the school commissioner of said county; and whereas doubts have arisen as to the legality of said sales in consequence of a mis-construction of the law regulating the sale of school lands now in force in this State, by the township trustees of said school townships as to the number of votes necessary to authorize a sale of school lands in this state, for remedy whereofSEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all the acts of the township trustees of the school townships in the county of Floyd, so far as relates to the sale of school lands, in said county, and the sales of school sections by the school commissioners of said county be, and the same are hereby legalized, and that all titles derived by virtue of the sales of said school commissioners of school lands, shall be, and are hereby in all things legalized and confirmed, any thing contained in any law now in force, or which was in force at the time of such sales, regulating the sale of school lands, to the contrary notwithstanding.

SEC. 2. This act is hereby declared a public act, and shall be in

force from and after its passage.

# CHAPTER CCXLIX.

AN ACT to amend the act for opening and repairing public roads and highways, approved Feb. 10, 1831.

# CAPPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter supervisors of roads and public highways in the county of Dubois, in consideration of their services as such, shall be exempt from performing militia duty in time of peace, and paying a poll tax for any purpose, except for State purposes; and in every other respect, not contrary to the provisions of this act, the said supervisors shall observe and be governed by the law to which this act is an amendment, and shall be entitled to no other compensation for their services than is herein provided.

This act to take effect from and after its passage.

#### CHAPTER CCL.

AN ACT for the relief of Wirts and Reinhard, of the city of Louisville and State of Kentucky.

## [APPROVED FEBRUARY 17, 1838.]

Whereas it is represented to this General Assembly, that part of fractional section twenty-one, in township eight north, of range five west,

in Green county, Indiana, containing one hundred and eighty-four acres, is owned by the firm of Wirts and Reinhard, of the city of Louisville, and State of Kentucky.

And whereas, also, it is further represented that they have made regular transmission, of sufficient funds to pay the taxes on said land, which has not been done, in consequence of the negligence of the agent appointed by them for that purpose.

And whereas, also, it is further represented, that in consequeuce of the aforesaid failure to pay the said taxes, the said land has been returned to the school commissioner of the said county of Greene, and a decree has been rendered in the circuit court of said county, at the last term thereof, vesting the right of said land in the State of Indiana, without the knowledge of the said Wirts and Reinhard, and ordering the sale thereof, for the taxes aforesaid, to be had on the twenty-fifth day of February next. For remedy whereof—

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the decree of the circuit court of the county of Greene, ordering the sale of the part of fractional section number twenty-one, in township eight north, of range five west, in said county, containing one hundred and eighty-four acres, the property of Wirts and Reinhard, of the city of Louisville and the State of Kentucky, to be sold for the taxes thereof be, and the same is hereby declared to be void and of no effect, upon the payment to the school commissioner of the said county of Greene, by the said Wirts and Reinhard, or their agent or attorney, the amount of the taxes, penalty, interest and costs, due in consequence of the failure and proceedings aforesaid: Provided, That the said penalty shall be at the rate of fifty per cent. upon the whole amount so due, and the said interest at the rate of one hundred per cent. upon the taxes for each year, from the times on which they were severally due.

SEC. 2. That upon the payment of the said taxes, penalty, interest and costs, all right, title and interest which the State of Indiana has in the judgment aforesaid shall cease; and it shall be and is hereby made the duty of the school commissioner of said county to satisfy the same by entry upon the record thereof.

This act to take effect and be in force from and after the filing of a certified copy thereof in the office of the clerk of the circuit court of the said county of Greene.

## CHAPTER CCLI.

AN ACT for the sale of certain School Lands belonging to the Vincennes Reserved Tract.

#### [APPROVED FEBRUARY 14, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the grant of land heretofore made by the act of Congress of March eighteenth, 1818—May 7, 1822; and May 20, 1836 in satisfaction for school lands in the tract of country designated as the "Lands reserved for satisfying private claims in the Vincennes District," as located by the register of the Vincennes land district, and by the register of the Terre Haute land district be, and the same hereby are accepted and confirmed, and that all claims on behalf of this State for school lands in Knox county, to any sixteenth section partially covered by a private claim, and for which a substitution has been made under any of said acts, are hereby released to the United States.

SEC. 2. The following tracts of land, to wit: section twenty, in township twenty, in ranges numbers three, four, five, six, seven, eight, and nine, west of the second principal meridian, granted by the said act of seventh of May, 1822, and located under the instructions of the commissioner of the general land office, by Williamson Dunn, register of the land office at Terre Haute, on the seventh of March, 1823, be sold at public sale for the benefit of the townships and fractional townships in the said tract of land accepted for the seventh of land accepted for the seventh of the said tractional townships

in the said tract of land reserved for private claims. SEC. 3. That John Purcell, of Palmyra township, Knox county, is hereby appointed agent, to make sale of the lands in the preceding section mentioned, and in case of his decease or inability or refusal to act, the circuit court of Knox county are hereby authorized to appoint some proper person in his place as such agent, and also to appoint a successor as often as may be necessary; and said agent is hereby authorized to make sale of the land to the highest bidder, at public sale on or before the first Monday in December next, at Crawfordsville, first giving notice for at least one month of the time, place and terms of said sale, by publication in the newspapers published at Covington, Lafayette, and Crawfordsville. The said sale shall be made on the following terms: the land shall be sold in tracts not exceeding eighty acres each. The fourth of the purchase money shall be paid in cash at the time of purchase. The balance of the purchase money shall be payable in four equal annual payments, each bearing interest at six per cent. from the day of purchase; and if any purchaser shall fail to pay said annual payment of principal and interest thereon, and on any other annual payment on or before the day the same becomes due, such purchaser so failing, his heirs, or assigns, shall thereby absolutely forfeit all right to the land by him purchased, as well as to the money by him paid; and that the said tract of land so forfeited, shall be sold by the agent to the best bidder for cash. The purchaser shall be entitled to

receive a certificate from said agent, which shall set forth his purchase and the terms thereof, and so soon as final payment shall be made by any purchaser, he shall be entitled at his expense to a deed in fee simple accordingly.

SEC. 4. Security shall be given by said agent to the satisfaction of the circuit court of Knox county, by bond payable to the State of Indiana, conditioned that said agent will faithfully discharge his duties and account for and pay over all moneys he may receive, and he shall at each term of said court, report to the said court all his proceedings during the past vacation, which reports shall be recorded by said court and published in some newspaper printed at Vincennes.

SEC. 5. A reasonable sum shall be allowed the said agent while attending to said sale, for his necessary expenses, and the same and all other necessary expenses shall be paid when allowed by the said court, out of the proceeds of the said lands.

SEC. 6. The proceeds of the sale of the said lands shall as the same are received by said agent, be appropriated as follows: that part thereof which belongs to the county of Gibson, shall go to school commissioner of Gibson county, for the use of the proper townships in Gibson county; that part which belongs to the county of Pike, to the school commissioner of Pike county, for the use of the proper township in Pike county: that part which belongs to the county of Daviess, to the school commissioner of Daviess county, for the use of the proper townships in said county of Daviess; that part which belong to the county of Sullivan shall be paid to the commissioner of Sullivan county, for the use of the proper townships in said county; and that part which belongs to the county of Knox, shall be invested by the said agent, by a subscription by him to be made in the name of the State, for the use of the people of Knox county, in the stock of the branch at Vincennes, of the State Bank of Indiana; the dividend on which stock shall he paid to the school commissioner of Knox county, for the use of the proper townships in Knox county.

SEC. 7. And the proceeds of said sale shall be divided into four hundred and eighty-six thousand one hundred and twenty-one parts, and shall be distributed and appropriated as above provided, to the townships as follows, to wit:

#### IN GIBSON COUNTY.

Township	1	south,	10	west	23.040	parts of	the	whole.
Township	1	north,	10	west	10.319	do	Control of	do.
Township	1	south,	11	west	19.286	do		do.

#### IN PIKE COUNTY.

Township I north, 9 west 17.871 parts of the whole,

#### IN DAVIESS COUNTY.

Township	3	north,	7	west	23.040	parts of the	whole.
Township	4	north,	7	west	23.040	do	do.
Township	5	north,	7	west	3.591	do	do.

#### IN SULLIVAN COUNTY.

Township 6 north,	8 west	2.433	parts of the	whole,
Township 6 north,	9 west	18.825	do	do.
Township 6 north,	10 west	4.917	do	do.

#### IN KNOX COUNTY.

111	102	COUNTI.	
Township I north, 10 west 12	720	parts of the	whole.
10wnship I north, 9 west 5.	168	do	do.
Township 5 north, 7 west 18.	920	do	do.
Township I south, 11 west 3.	753	do	do.
Township I south, 8 west 7.	308	do	do.
Township 2 south, 8 west 23.	040	do	do.
Township 3 south, 8 west 23.	040	do	do.
Township 4 south, 8 west 23.	040	do	do.
Township 5 south, 8 west 21.	130	do	do.
Township 2 north, 9 west 23.	040	do	do.
Township 3 north, 9 west 23.	040	do	do.
Township 4 north, 9 west 23.	040	do	do.
Township 5 north, 9 west 23	040	do	do.
Township 2 north, 10 west 23		do	do.
Township 3 north, 19 west 10.		do	do.
Township 4 north, 10 west 5.		do	do.
Township 5 north, 10 west 14.	000		
		do	do.
Township 1 north, 11 west 16.	300	do	do.
Township 2 north, 11 west 9.	0004	do	do.
Township 3 north, 11 west 16.	000	do	do.
Township I south, 12 west 5.	609	do	do.
Township 1 north, 12 west 2.	240	do	do.

SEC. 8. And it shall be the duty of the board doing county business of Knox county, to cause the township lines to be run and marked through the donation tract in Knox county as may be necessary to determine the boundary lines of the congressional townships in said county.

And all acts coming within the purview of this act, are hereby re-

This act to be in force from and after its passage.

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#### CHAPTER CCLII.

AN ACT to authorize the election of Trustees of the County Library of Dubois county.

### [APPROVED, FEBRUARY 17, 1838.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That at the next ensuing general election in the county of Dubois, the qualified electors thereof shall elect seven trustees for the county library of said county, who shall discharge all the duties and duly exercise all the authority given to such trustees by the act entitled "an act for the incorporation of county libraries." Notice of such election shall be given by the sheriff of said county as for the election of other officers. This act to be in force from and after its passage.

## CHAPTER CCLIII.

AN ACT to provide for the security of the State House.

[APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the keeper of the state house, be, and he is hereby authorized and directed to contract with some person or persons to dig and wall with sound and well burnt brick, two wells of a capacity not less than three feet in diameter of such depth as to furnish at all times a sufficiency of water, and place therein pumps made of sound and durable timber, and cause the same to be kept in good repair.

SEC. 2. The said wells to be dug, the one at the south end of the capitol and near the steps, and on the east side and near the foot-way leading from Washington street; the other at the north end, and outside the enclosure, near to and west of the gate leading therefrom.

SEC. 3. Should any person or persons do any injury or procure the same to be done to such wells, pumps or fixtures thereto, such person or persons shall be liable for all damages so sustained, recoverable in any court having competent jurisdiction; and said keeper be, and he is hereby authorized and directed to commence suit and recover the same with costs, for and in behalf of the state of Indiana.

SEC. 4. To meet the expense incurred under the foregoing provisions, the treasurer is authorized to pay such sum as may be necessary therefor, keeping an accurate account thereof, which shall be by him reported to the next General Assembly.

This act to be in force from and after its passage.

# CHAPTER CCLIV.

Best further enacted, that if the state shall prevail in the

AN ACT appropriating an estate of escheat for a free school in the town of Jeffersonville.

## [APPROVED FEBRUARY 17, 1838.]

Whereas, it is represented to this legislature that lot twenty in the town of Jeffersonville in the county of Clark, has escheated to the state for the want of legal representative or representatives, to whom by the law of the land the same would descend; and whereas the citizens of the town of Jeffersonville by their petition, have prayed that the proceeds of said lot of ground may be applied to the support of a free school in said town:

SEC. 1. Be it enacted by the General Assembly, That if by inquest found the said lot number twenty in the town of Jeffersonville shall be found to have escheated to the state of Indiana, then and in that case the said lot number twenty, with all the appurtenances thereto belonging, shall vest in the trustees of said town in trust for the purpose of establishing a free school in said town and to no other use, intent or purpose whatsoever.

SEC. 2. Be it further enacted, that the said trustees shall be and they are hereby authorized to rent the premises in such manner as they may think best calculated to carry into effect the intentions mentioned in the foregoing sections, and the said trustees may apply the rents and profits arising from said lots and the improvements thereon to the erection of other buildings on the improved part of said lot, or they may rent the same on ground rent, so the same shall not be for a longer period of time than ten years.

SEC. 3. Be it further enacted, that the rents and profits of the said lot number twenty shall be by the trustees of said town applied to the sole use and purpose of a free school in said town, to be conducted in all things by the trustees of said town, according to the true intent and meaning of this act, and the said trustees shall annually report to the legislature of this state the whole proceedings herein [therein] stating the amount of money received, how it was applied, and how many poor children have been benefited by said institution.

SEC. 4. Be it further enacted, that the trustees of said town of Jeffersonville may in the name of the state of Indiana, commence a suit in ejectment therefor in the ordinary manner of suing in ejectment, and a declaration served on the person or persons shall be deemed in all cases sufficient service to enable the court to take cognizance thereof; and if upon the trial thereof it shall appear that there is no person or persons claiming as heir or heirs to the person last possessed of the fee simple estate in the friends, the jury shall so find the fact, and upon

such finding, the court shall pronounce judgment that the property has escheated to the state, and award a writ of possession therein, and award the cost as justice may require.

SEC. 5. Be it further enacted, that if the state shall prevail in the suit, the defendants shall be liable for the rents and profits of the premises, and be entitled for all improvements made thereon.

This act to be in force from and after its passage.

## CHAPTER CCLV.

AN ACT to amend an act entitled an act to amend an act entitled "an act conconcerning the Seminary Townships of land in Gibson and Monroe counties, approved January 24, 1827," approved February 1, 1834.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the lands named in the act to which this is amendatory be, and the same are hereby declared to be subject to taxation for state and county purposes, and such other taxes as are now by law levied and collected from any other lands which are made subject to taxation by virtue of an act entitled "an act to provide for an equitable mode of levying the taxes of this state," approved February 8, 1836, from and after the expiration of the term of time of the original credit, upon which said lands were sold: Provided however, that any person in giving in the valuation of any such tract of any of said lands to the legal assessor in the proper county or township in which the same may be situated, shall be permitted to deduct from the aggregate valuation of said tract or tracts of land so much as he or she may actually owe on the original purchase thereof on each tract or tracts.

SEC. 2. That so much of the act to which this is amendatory as exempts any of the aforesaid lands from taxation be, and the same is

and to be a very sel more and writed to the required and re-

hereby repealed.

### CHAPTER CCLVI.

AN ACT to locate a state road from Connersville to Chrisler Kinder's.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Campbell be and he is hereby authorized to view, mark and locate a state road from the town of Connersville in Fayette coun-

ty to Chrisler Kinder's in said county.

SEC. 2. The said John Campbell shall so soon as convenient after the passage of this act, proceed to view, mark and locate said road from Connersville, thence to the house of Jonathan John's, running with the county road between John Willey's and Alexander Carr's until it reaches Matthew Hawkins' land, thence west with the section line until it strikes the south east corner of the land of Joshua Wallace, thence through the land of said Wallace, and Hiram Westover until it strikes the line between the places of Francis Ludlow and Polly Putman, thence west to intersect the state road leading from Connersville to Raysville at or near Chrisler Kinder's.

SEC. 3. It shall be the duty of said commissioner to take releases of right of way from the persons owning land through which said road may pass, in all cases where releases can be had, and to ascertain as nearly as may be the amount of damage that said road will do to the lands of all such persons as will not give or grant such right of way, and make return of all and singular his proceedings therein to the

clerk of the board doing county business of Fayette county.

SEC. 4. It shall be the duty of the clerk to lay the proceedings of the aforesaid commissioner before the board doing county business in and for the county of Fayette, who may, if in their opinion the public good require the establishment of said road, cause the same to be opened any width not exceeding forty feet in the same way and manner as other public roads are opened and kept in repair.

SEC. 5. The board doing county business in and for the county of Favette shall make to said commissioner, surveyor, chainmen and

marker such allowance as to them may seem just.

This act to take effect and be in force from and after its publication.

#### CHAPTER CCLVII.

AN ACT to authorize certain commissioners therein named to locate a permanent seat of justice for the county of Wells.

## [APPROVED JANUARY 20, 1838.]

Whereas the commissioners appointed under an act entitled "an act to organize the county of Wells," approved February 2d, 1837, and authorized to locate a permanent seat of justice for the said county,

have hitherto neglected to attend to the same, therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Zachariah Smith, of the county of Adams, and Christopher Hanna, of the county of Jay, and Champion Helvey, of the county of Huntington, John Rogers, of the county of Allen, and William Kizer, of the county of Randolph be, and they are hereby appointed commissioners for the purpose of locating a permanent seat of justice for the county of Wells, agreeably to the provisions of an act entitled "an act to establish seats of justice in new counsies," approved January 14th, 1824. The commissioners above named or a majority of them shall convene at the house of Robert C. Bennett, in said county of Wells, on the first Monday of March next, or as soon thereafter as a majority of said commissioners shall agree.

SEC. 2. That the sheriff of the county of Wells shall notify the said commissioners either in person or by writing of their appointment, as well as the place designated for them to convene, and that it shall be the duty of said sheriff to give said notice to said commissioners at least four weeks before the period appointed for their meeting. And the board doing county business for the said county of Wells, shall allow the said sheriff a reasonable compensation for said service, out of any

money in the treasury of said county of Wells.

This act to be in force from and after its passage.

## CHAPTER CCLVIII.

AN ACT to vacate part of a street in the bounds of the donation, near Indianapolis.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all that part of Maryland street in the donation, East of Pogue's run near Indianapolis, as lies between lots seventy-nine and eighty in the north, and lot eighty-nine in the south be, and the same is hereby vacated.

This act to be in force from and after its passage.

#### CHAPTER CCLIX.

AN ACT to authorize Elijah Long, and his wife, to sell certain real estate therein named.

### [APPROVED FEBRUARY 17, 1838.]

Whereas it has been represented to this General Assembly, that Morris Baker, late of Morgan county, deceased, died intestate seized and in fee simple of the east half of the south portional half of section ninetween in township eleven, north of range one east, in the said county of Morgan; and whereas the said Morris Baker left six children, all of whom are over the age of twenty-one years, except the youngest daughter, (Nancy,) who is married to Elijah Long; and whereas those heirs of the said Morris Baker who are over the age of twenty-one years have sold their respective shares of said tract of land; and whereas the share of the said Nancy is of little or no benefit to her, and might be sold for a fair price and the proceeds applied to her advantage; therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Elijah Long and Nancy his wife, late Nancy Baker be, and they are hereby authorized and empowered to sell and transfer the interest of the said Nancy in and to the east half of the south fractional half of section nineteen in township eleven north of range one east, and that any deed of conveyance so made and acknowledged according to the law of the State of Indiana by the said Elijah Long and Nancy his wife, shall be as good and valid in law to all intents and purposes as if the said Nancy Long, minor as aforesaid, was of lawful age, and that all acts and doings of heirs in and about the sale and making a title to said land, shall be and they are hereby declared to be valid and good in law.

This act to be in force from and after its publication.

### CHAPTER CCLX.

AN ACT to authorize the board doing county business for the county of Tippecanoe, to make a certain payment therein described.

## [APPROVED, FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the board doing county business for the county of Tippecanoe be, and they are hereby authorized to pay John McCormick such amount of money as he may have properly expended, to the improvement of a state road near the town of Lafayette, of which he was supervisor in

the year A. D. 1835, and for which he has not received compensation. Sec. 2. The said board shall pay whatever sum they shall ascertain to be due to the said John McCormick, out of the three per cent. fund now allotted to said county of Tippecanoe, or which may be hereafter appropriated to said county.

### CHAPTER CCLXI.

AN ACT to determine the manner in which a division of the county of Green may be made.

## [APPROVED FEBRUARY 17, 1838.]

Whereas it is represented to this General Assembly, by one hundred and ten petitioners of the county of Green, that they are very remotely situated from the county seat (Bloomfield) and owing to the very great distance they have to travel to get to their county seat for the purpose of doing their county business, they petition this legislature to cut off from the said county of Green, a strip three miles in width and twelve miles in length, commencing at the north-east corner of section one. township eight, north of range three west, thence west to the northwest corner of section three, thence south to the south-west corner of section thirty-three, thence east to the south-east corner of section thirty-six, township seven, thence north to the place of beginning, and attach the same to the county of Monroe, and inasmuch as it has not been represented to this General Assembly that a majority of the citizens of Green county have been consulted and made acquainted with the subject matter of the proposed change in the boundary of said county of Green, and for the purpose of equal and alike justice to all the citizens of the said county of Green; therefore

SEC. 1. Be it enacted by the General Assembly the of State of Indiana, That it shall be the duty of the sheriff of said county of Green to cause a notice to be given in all the townships of said county of Green, to the place appointed for the holding of their general election, for the term of three weeks previous to the first Monday in August next, that a vote will be taken on that day for the purpose of ascertaining whether said strip of said county shall be stricken off and attached to the county of Monroe.

SEC. 2. And the votes to be given for the purpose contemplated in this act shall be in this form, those voting in favor of striking off said territory and attaching the same to the county of Monroe shall have the word division on the back of their tickets, and those opposed to said division shall have the word no division on the back of their tickets, and if a majority of all the voters of said county of Green shall be in favor of striking off said strip of territory, then the same shall be attached to and become a part of the county of Monroe.

## CHAPTER CCLXII.

AN ACT relative to changing the mode of electing the commissioner of the three per cent. fund for the county of Daviess.

## [APPROVED JANUARY 20, 1838.]

Sec. 1. Be it enated by the General Assembly of the State of Indiana, That it shall be lawful for the county of Daviess, on the first Monday in August in each year, by her qualified voters to elect a commissioner of the three per cent, fund of said county to superintend the applications of appropriation to his county to the opening and improvement of such state roads or parts thereof, or to the construction or repairs of bridges in said county, as the board doing county business in said county of Daviess may order and direct.

SEC. 2. Such commissioner shall enter into bond and security to the satisfaction of said board payable to the board doing county business, in the penal sum of two thousand dollars, conditioned for the faithful performance of his duties as such commissioner of the three per cent. fund for said county, and shall also take an oath of office.

SEC. 3. On entering into such bond and taking the oath aforesaid, the clerk of said board, shall under the direction deliver to said commissioner a certificate thereof, and of said election, which shall authorize the treasurer of state to pay over from time to time to said commissioner, or his order, his proportion of such fund on hand.

SEC. 4. Should any commissioner refuse to qualify, or should the said office become vacant by any means whatever, the board doing county business in said county, shall appoint a suitable person to fill such vacancy, and the person thus appointed shall be governed by the provisions of this act.

Sec. 5. All acts or parts of acts coming within the purview of this act, shall be, and the same is hereby repealed.

SEC. 6. This act shall take effect from and after its passage.

### CHAPTER CCLXIII.

AN ACT supplemental to an act entitled "an act authorizing the sale of certain school lands therein named, and for other pursoses," approved December 1837.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That should any of the lands (at the sales thereof,) named in the above recited act be fully paid for, it shall be the duty of the commissioner therein named to execute a deed to said purchasers therefor, adopt-

ing the same form as is used in the act entitled "an act incorporating congressional townships and providing for public schools therein," passed at the present session of the General Assembly, and the said commissioners shall be allowed the same fees therefor as are allowed to school commissioners for similar services under the school law.

This act to take effect and be in force from and after its passage.

### CHAPTER CCLXIV.

AN ACT to provide for the distribution of the Laws and Journals and for other purposes.

## [APPROVED FEBRUARY 17, 1838.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the secretary of state so soon as the printing of the laws shall be annually done, to certify the fact that he had compared the printed with the enrolled acts, joint resolutions and memorials, and found them correctly printed; which certificate shall be signed and dated by the secretary and annexed in print to the volumes of the acts, joint resolutions and memorials; and when the printing is finally completed and the copies delivered to the secretary of state, he shall give to said printers a certificate containing a detailed account of the printing done by said printers for the state, together with the total amount due therefor; for which certificate under the hand and seal of such secretary shall be a sufficient voucher for the auditor of public accounts to audit the same, and to give the said printers warrants on the treasury for the same, which the treasurer shall pay out of any money in the treasury not otherwise appropriated.

SEC. 2. The copies of the general laws passed or ordered to be re-printed at the present session, when bound and delivered to the secretary of state, and the copies of the acts, joint resolutions and memorials of every subsequent session, when so delivered and ready for distribution, shall be in part distributed as follows, to-wit: To the governor, lieutenant governor, secretary, auditor and treasurer of state, each one copy; to the United States judge and district attorney for the district of Indiana, one copy each; the judges of the circuit, supreme and probate courts, each one copy; to the circuit prosecuting attorneys, each one copy; to the several states and territories of the United States, such number of copies not exceeding three, as may be received at the secretary's office from them respectively; to the members of the senate and house of representatives, the secretaries, regular clerks, each one copy; and the secretary of state shall forward the same to the aforesaid persons, by mail or otherwise, except that the volumes to be sent to the members of the legislature, the clerks, secretaries, and the supreme, circuit and probate judges and circuit prosecuting attorneys, shall be forwarded to the counties where they respectively reside, by the distributors, with the other copies of the laws sent to such counties.

SEC. 3. The residue of such copies shall be disposed of as follows: To the counties of Wayne and Dearborn, sixty copies each; to the counties of Washington, Jefferson, Marion, Henry, Rush, Montgomery, Putnam, Fountain, Parke, Tippecanoe, Clarke and Laporte, each fiftyfive copies; to the counties of Franklin, Orange, Knox, Fayette, Union, Switzerland, Jackson, Lawrence, Monroe, Sullivan, Vigo, Gibson, Bartholomew, Posey, Ripley, Decatur, fifty volumes each; and all other counties forty-five volumes each; and the said volumes, so to be delivered to each of the aforesaid counties, shall be delivered to the clerks of the several counties, except in cases where there may be no clerk, in that case the same shall be delivered to the sheriff of such county; and the said volumes, when so delivered to such clerks or sheriffs, shall be distributed by such clerks or sheriffs, as follows, to-wit: To the associate judges, justices of the peace, clerk of the court, recorder of the county, sheriff and coroner, and each county commissioner, one volume each.

Sec. 4. The copies of the journals of each house shall be distributed in equal proportion among the members of the respective houses; that is, to the members of each house its own journals; which said journals shall be delivered to the said clerks and sheriffs of the several counties, in the same way, time, place and manner that the aforesaid volumes of the acts and joint resolutions are to be delivered; and when so delivered to such sheriffs and clerks, the said clerks or sheriffs shall deliver the same to the members for whom they are intended; and the secretary of state shall carefully preserve and file away in his office of secretary of state, all the volumes of the acts and joint resolutions, together with forty copies of the journals of each house, not otherwise disposed of by this act.

SEC. 5. The secretary of state is hereby directed to cause to be printed in one volume, all the special and private acts, joint resolutions and memorials of the present session of the General Assembly, to be denominated "special acts of 1838;" of which special acts there shall be printed six hundred copies, bound in paper covers, and distributed and disposed of according to law.

SEC. 6. The volumes of the special acts of the present session, shall be distributed and disposed of as follows, to-wit: to each member of the Senate and House of Representatives, one volume; and to each county in the state six volumes, to be forwarded as aforesaid, and preserved in the clerk's office of the respective counties, for the use of those concerned, and the remaining volumes to be preserved in the secretary's office.

SEC. 7. The secretary and treasurer of state, and auditor of public accounts, or a majority of them, are hereby required annually hereafter to contract with some separate person or persons for each judicial district in the state, to convey and deliver the several volumes of the aforesaid acts and joint resolutions and journals, to the several

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persons, counties and places, pointed out by this act, taking bond and security of the undertakers for the faithful performance of the contract; and so soon as such undertaker shall produce to the secretary of state, the receipts of the several clerks or sheriffs authorized to receive the laws and journals aforesaid, setting forth that the proper number of volumes of the laws and journals have been delivered in good order, the said secretary shall then certify under his hand and seal, that such undertaker has performed his contract, and the amount that is due to such undertaker for the same; which certificate of said secretary, shall be a sufficient voucher for the auditor of public accounts to give such undertaker an audited warrant therefor, and the treasurer of state is hereby authorized to pay such warrant, out of any money in the treasury not othermise appropriated.

SEC. 8. That in all cases where any person employed to distribute the laws and journals of this state, shall fail or neglect to perform his duties agreeably to his contract, it shall be the duty of the secretary of state to cause suit forthwith to be commenced on such contractor's bond, and have the same prosecuted to final judgment; and it is hereby made the duty of the prosecuting attorney of the district where such suit shall be commenced, to attend and prosecute the same for and on behalf of the state, and collect and pay over the amount recovered

into the state treasury.

SEC. 9. It is hereby made the duty of the clerks of the circuit courts of each county, to make a record of the day and date of the reception of the acts and joint resolutions as above authorized, in his office; and such record shall be deemed and taken as the time of the

publication of the said laws within said county.

SEC. 10. The secretary and treasurer of state, and auditor ofpublic accounts, or a majority of them, are hereby required annually, in like manner, sixty days before the first day of each and every General Assembly, to close a contract or contracts with some person or persons for furnishing the necessary fire-wood or other fuel, and stationary for the use of the Houses of the General Assembly, and shall enter into bonds, as in the case of contracts for printing; which contracts shall be severally reported to the General Assembly, within three days after the commencement of each session, by the secretary of state.

SEC. 11. Previous to entering into any such contract or contracts, the secretary, treasurer, and auditor of state shall give public notice thereof, in such way and manner as they or a majority of them shall

deem most advisable.

SEC. 12. In all counties where there may be surplus copies of the laws, either of this or any preceding or succeeding year, it shall be the duty of the clerk of each of such counties, to deliver one of each of such surplus copies to each officer entitled to the laws, who has not previously had a copy of the same, on such officer applying for the same.

This act to take effect and be in force from and after its passage.

## CHAPTER CCLXV.

AN ACT to provide for the improvement of the Wabash river.

## [APPROVED FEBRUARY 17, 1838.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That to meet the appropriation of one hundred thousand dollars heretofore, to-wit: by an act of the legislature of Illinois, approved February 27, 1837, made by the state of Illinois for the improvement of that portion of the Wabash river, over which the states of Illinois and Indiana have concurrent jurisdiction, on condition that the state of Indiana appropriate the same sum for the same purpose, the sum fifty thousand dollars be, and the same is hereby appropriated, which, with the fifty thousand dollars heretofore, to-wit: in the seventh section of the act entitled, an act to provide for a general system of internal improvement, approved January 27, 1736, appropriated for the same object shall be set aside to meet the said appropriation of Illinois, and expended on the said Wabash river as heretofore agreed, or as may hereafter be agreed by and between the boards of improvement of the said states of Illinois and Indiana; and the board of canal fund commissioners of the state of Indiana is hereby directed to pay out of any loans now negotiated or which may be hereafter negotiated, such sum or sums as may from time [to time] be required by the state board of improvement to prosecute the improvement of said Wabash river, in conjunction with said state of Illinois as above provided.

SEC. 2. This act to take effect and be in force from and after its

passage.

### CHAPTER CCLXVI.

AN ACT to legalize the sale of school section number sixteen, in township number nine, range number two west, in the county of Franklin.

## [APPROVED, FEBRUARY 14, 1838.]

Whereas Samuel Sering, school commissioner of the county of Franklin, in September A. D. 1837, sold the sixteenth section, in congressional township number nine, range number two west, insaid county; and whereas doubts having arisen in regard to the legality of said sale, in consequence of a majority of the voters of said congressional township not having voted at the election (previously held) in favor of said sale, there being one hundred and twenty-seven votes given at the election aforesaid, one hundred and eleven votes for the sale and sixteen against it; and in order to remove all doubts upon the sub-

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the sale made by the said Samuel Sering, school commissioner of the county of Franklin, of the sixteenth section, in congressional township number nine, range number two west, in said county, in September, 1837, be, and the same is hereby legalized to all intents and purposes, as fully in every respect as though a majority of the voters of said ninth congressional township had been present at the election and voted for

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This act to be in force from and after its passage.

## JOINT RESOLUTIONS, &c.

### CHAPTER I.

A Memorial and Joint Resolution relative to the public lands in the State of Indiana.

[APPROVED FEBRUARY 1, 1838.]

Whereas the State of Indiana has recently embarked in, and is now vigorously and earnestly prosecuting various works of internal improvement, by the construction of canals, rail, and McAdamized turnpike roads, by the commencement and construction of which, the public lands within the limits of said State, which would otherwise have remained unbought and unsettled for years to come, have been purchased, and are rapidly populating by an industrious and enterprising people, that in the construction of all the public works in which the State is now engaged, all her possible means and resources will of necessity be called into requisition.

And whereas, by a late treaty, a portion of the lands belonging to the Miami Indians within the State of Indiana, known as the "Miami Reserve," has been purchased by the General Government, which land, by reason of its contiguity to a portion of the public works adopted by said State, will in a few years become very valuable. and that if a pre-emption were granted to the State, allowing her to purchase the whole of said land at the minimum price of one dollar and twenty-five cents per acre, it would by prudent management in a few years add to the means of the State, and aid her in the prosecution of public works so meritoriously begun: Therefore,

Resolved, by the General Assembly of the State of Indiana, That our Senators and Representatives in Congress be earnestly requested to use every exertion to procure the passage of a law authorizing the State of Indiana to purchase the whole of said land recently purchased by the United States of the Miami Indians, within the limits of said State, at the minimum price of one dollar and twenty-five cents per acre, to be by her again sold, and the proceeds thereof applied to the construction of her internal improvements.

And that his excellency the Governor forward to each of our Senators and Representatives in Congress a copy of the memorial and joint resolution.

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## CHAPTER II.

A Joint Resolution in relation to the laws herein named.

[APPROVED, FEBRUARY 17, 1838.]

Be it resolved by the General Assembly of the State of Indiana, That it shall be the duty of the secretary of state immediately to file in the clerk's office of the several circuit courts of this State a copy of the act changing the times of holding courts in said circuits, and that all expenses necessary to carry into effect the provisions of this resolution, be paid out of any money in the treasury, not otherwise appro-

This resolution to take effect from and after its passage.

## CHAPTER III.

A Joint Resolution for the benefit of the collector of Scott county for the year 1837.

[APPROVED FEBRUARY 15, 1838.]

Be it resolved by the General Assembly of the State of Indiana, That the auditor of public accounts be, and he is hereby authorized to issue a warrant for, and the treasurer of state to pay, to the collector of Scott county, the sum of twenty-six dollars and eleven cents, for money over paid by said collector, in paying over the revenue for the year 1837, upon the said auditor being satisfied of the correctness of said claim.

This resolution to be in force from and after its passage.

## CHAPTER IV.

A Joint Resolution on the subject of the revision of the laws.

[APPROVED FEBRUARY 17, 1838.]

Be it resolved by the General Assembly of the State of Indiana, That it shall be the duty of the treasurer of State and secretary of State, immediately after the adjournment of the present session of the General Assembly, to select all such acts and joint resolutions, if any, of a gen-

eral nature, and not either local or private, now in force, and not included in the revised acts, of the present session, and cause the same to be printed with the revised acts.

Sec. 2. And be it further resolved, That Isaac Blackford is hereby appointed, and he is requested to prepare a collection of all the general statutes of this State, arranged under proper heads, and submit the same to the Legislature on or before another revision may be necessary; and that he be requested at the same time to suggest such alterations and additions as he may deem necessary, as amendatory to the said general statutes.

#### CHAPTER V.

A Joint Resolution on the subject of a donation of public lands on the Erie and Michigan Canal.

## [APPROVED FEBRUARY 14, 1838.]

Whereas the Erie and Michigan canal, extending from the Wabash and Erie canal at Fort Wayne, to Michigan city, on Lake Michigan, and thence to the Illinois and Michigan canal, from Chicago to the Illinois river, presents strong claims upon the General Government as a national work, inasmuch as it will afford extraordinary facilities for the conveyance of troops and munitions of war to the most exposed points on our north-western frontier.

And whereas, Congress has heretofore granted donations of public land to the States of Indiana and Illinois for the purpose of aiding in the construction of the Wabash and Erie canal, and the Illinois and Michigan canal, between which two works the Erie and Michigan canal will form a connecting link; therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives be requested, to use their exertions to procure from the General Government a donation of such quantity of public lands as Congress may deem proper to aid in the construction of the Erie and Michigan sanal, and the said canal shall, (in case Congress grant such donation,) forever be, and remain a free avenue for the General Government, for the transportation of troops and every description of property, belonging exclusively to the United States, and that his Excellency be requested to furnish each of our Senators and Representatives in Congress with a copy hereof.

### CHAPTER VY.

 $\Lambda$  Joint Resolution in reference to the duties of Secretary [of] State.

[APPROVED FEBRUARY 17, 1838.]

Be it resolved by the General Assembly of the State of Indiana, That the secretary of State be, and he is hereby allowed the following compensation for, and in consideration of the following duties, which are imposed upon him by law: for copying, indexing and superintending the printing of the laws of each session of the General Assembly, (excluding those of the present session,) the sum of two hundred dollars, for purchasing books and performing all the services incident to the duties of State librarian, the sum of one hundred and fifty dollars per annum; for services required of him in relation to the Wabash and Erie canal lands, the Michigan road, the purchase of State stationary, the receiving proposals and letting contracts for fuel, for distributing the laws and journals of each year, and all contracts and duties required of him in his official capacity, the sum of one hundred dollars.

The above sums shall be paid on proper authentication in quarterly

instalments.

Be it further resolved, That grand and petit jurors shall receive one dollar and twenty-five cents per day for their services.

This resolution to be in force from and after its passage.

### CHAPTER VII.

A Joint Resolution on the subject of the State Bank.

[APPROVED FEBRUARY 15, 1838.]

Be it resolved by the General Assembly of the State of Indiana, That the recent suspension of specie payment by the branches of the State Bank of Indians, was justifiable and necessary under the then existing circumstances, and that the approval thereof by the directors of the State

Bank was properly given.

Be it further resolved, That it is the duty of said directors of the State Bank, to require every branch of said bank to resume specie payment within thirty days after a general resumption thereof in the Atlantic cities, and simultaneously with the banks of Ohio and Kentucky, and that any branch failing so to resume ought to be suspended: Provided, That the governor of the State may at any earlier day compel the bank to resume specie payment, within thirty days after he issues his proclamation for that purpose.

Be it further resolved, That on the failure of the said directors of the said State Bank to suspend any branches not resuming specie payment as above, the governor of this State shall cause a scire facias to be sued out of the Marion circuit court against said bank, for failing to exercise the power vested in it by the charter.

#### CHAPTER VIII.

A Memorial and Joint Resolution relative to the Wabash and Erie Canal.

[APPROVED DECEMBER 18, 1837.]

Whereas, the General Assembly of the State of Indiana, at its session in the year 1836, memorialized the General Assembly of the state of Ohio, upon the sabject of extending the width of so much of the Wabash and Erie canal as lies within the limits of the state of Ohio to sixty feet: And whereas, also, the General Assembly of the state of Ohio, referred the subject matter of said memorial to the board of Internal Improvements of Ohio: And whereas, also, the said board of internal improvement after the subject matter was referred to them contracted for the extension of so much of said canal as lies between Manhattan and the junction of said canal with the Dayton canal, six miles above Defiance, of a width of sixty feet, and six feet water: And whereas, the board of internal improvement of the state of Indiana acting under the authority of the legislature of Indiana and relying on the implied pledge of the board of internal improvements of Ohio, that all of that portion of said canal lying in the limits of Ohio, should be extended to the width of sixty feet, did, during the present year contract for the excavation and completion of so much of said canal as lies between Fort Wayne and the Ohio state line of the width of sixty feet: And whereas, the board of internal improvements of Ohio, since the said last mentioned contracts were made by the board of internal improvements of Indiana have contracted for the excavation and completion of so much of said canal as lies between a point near Defiance and the state line, of a width of forty feet only, thus disappointing the just expectations of Indiana, that the whole of said canal from Fort Wayne to its connection with Lake Erie, would be constructed sixty feet wide with six feet water: And whereas, also, if the present policy adopted by the board of Internal Improvements of Ohio should be persisted in, and that portion of said canal lying between the state line and Defiance should not be be increased to a width of sixty feet, the advantages anticipated by the increased ex-

pense incurred by the state of Indiana in the construction of so much of said line as lies between Fort Wayne and the state line will be partially lost; therefore,

Be it resolved by the General Assembly of the State of Indiana, That the General Assembly of the State of Ohio be earnestly requested to make provisions for the extension to the width of sixty feet of all of said canallying in their limits, that thereby there may be a continued chain of canal of that width from Fort Wayne to Lake Erie.

Be it further resolved, That the Governor of this state be requested to forward a copy of the memorial and joint resolution, to his Excellency the Governor of Ohio, with a request that he will communicate the

same to the legislature of that state.

## CHAPTER IX.

A Joint Resolution on the subject of a Western Armory.

[APPROVED FEBRUARY 14, 1838.]

Whereas, the construction of the Whitewater canal will furnish a large quantity of surplus water in the neighborhood of Harrison, in the county of Dearborn and state of Indiana: And whereas, from the richness of soil, and the abundance of surplus produce, it is believed is as elligible a location, if not more so, for a National Armory, than any in the western country; therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested to use their influence in obtaining an examination by the general government of said location with reference to the establishment of a National Armory, at or near the town of Harrison, or some other equally elligible site for the same within the state of Indiana.

Resolved, That the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of the foregoing pre-

amble and resolutions.

### CHAPTER X.

A Joint Resolution respecting the extension of the Franking Privilege.

## [APPROVED JANUARY 6, 1838.]

Resolved by the General Assembly of the State of Indiana, That the franking privilege ought to be extended to the Governors of the several states, so far as relates to public documents.

Resolved, That his Excellency the Governor be requested to trans. mit a copy of these resolves to each of our Senators and Representa-

tives in Congress.

#### CHAPTER XI.

A Joint Memorial of the General Assembly of the State of Indiana, in relation to the Harbor at Michigan City.

[APPROVED DECEMBER 28, 1837.]

To the Senate and House of Representatives of the United States in Congress assembled: Your memorialists, the General Assembly of the state of Indiana, respectfully represent to your honorable body, that the interest of the people of this state, and of the commerce of the northern Lakes requires that the improvement of the harbor at Michigan City in this state be prosecuted with all possible despatch; therefore.

Be it resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure an appropriation for that purpose, commensurate with the magnitude of the interests involved and in satisfaction of the loud calls of humanity for the protection of human life upon this unprotected part of the coast of Lake Michigan.

Be it further resolved, That the Governor transmit a copy of this memorial to each of our Senators and Representatives in Congress.

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### CHAPTER XII.

A Joint Resolution relative to the State Printing for 1838.

[APPROVED FEBRUARY 17, 1838.]

Recolved by the General Assembly of the State of Indiana, That Douglass & Noel have one hundred and twenty days after the rising of the present General Assembly to complete the printing of the Laws and of the Journals of the Senate, and that Bolton & Livingston have the same time extended to them to complete the printing of the Journal of the House of Representatives of the present General Assembly.

#### CHAPTER XIII.

A Joint Resolution of the General Assembly of the State of Indiana.

[APPROVED FEBRUARY 17, 1838.]

Resolved by the General Assembly of the State of Indiana, That the clerk of the Marion circuit court be, and he is hereby permitted to remove his books and papers in which the records of said county are kept, to the east room of the clerk's office of the supreme court, and use and retain said room, as an office, free of rent, for the time of eight months from the passage of this resolution.

## CHAPTER XIV.

A Joint Resolution for the survey of a Harbor at Indiana City.

[APPROVED FEBRUARY 17, 1838.]

Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested to use their exertions to procure a survey of a harbor on

Lake Michigan at Indiana City at the mouth of the Grand Calumet river in order to ascertain the practicability and necessity of constructing a harbor for the protection of commerce on said Lake, and that his Excellency the Governor be requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

#### CHAPTER XV.

A Joint Resolution of the General Assembly of the State of Indiana.

[APPROVED FEBRUARY 15, 1838.]

Be it resolved by the General Assembly of the state of Indiana, That our Senators in Congress be instructed, and our Representatives requested to use their best endeavours, to procure the passage of a law, providing that the notes of all state banks that redeem their notes with specie on demand, shall be received on payment for public lands.

Resolved, That his Excellency the Governor be requested to forward a copy of this joint resolution to each of our Senators and Representatives in Congress.

### CHAPTER XVI.

A Joint Resolution relative to the purchase of Maps.

[APPROVED FEBRUARY 17, 1838.]

Whereas, J. H. Colton, of the City of New York is about publishing a new and complete map of the State of Indiana on a scale of five miles to the inch, on which will be carefully exhibited the sections and fractional sections; the irregularity of the public surveys; the surveys of private claims and Indian reservations; the subdivisions of Clark's Grant; the former Indian boundaries, where necessary; the Michigan and Cumberland roads; state and other roads, togeth er with the lines of all the public works, as now authorized by the state. All the tracts granted to the state for schools, colleges, ca-

nals, roads, and salines will be designated. The boundaries of counties and townships will be given; the names of rivers and lakes generally; the cities, towns, villages, and post offices, and contemplated internal improvements generally: And whereas, it is desirable to furnish a copy of said Map to each of the sister states, and one for each of the Territories; and also one copy for each of the counties

of this state; therefore,

Be it resolved by the General Assembly of the State of Indiana, That the secretary of state be, and he is hereby authorised to contract with the publisher of the aforesaid map, or with his agent for one hundred and twenty copies of his large and improved map of Indiana, to be disposed of in the following manner, to-wit: One copy to be filed in the clerk's office of each county in this state; one copy to be furnished to each of the sister states; one copy to be furnished to each of the territories; and one copy to the District of Columbia; one copy to the House of Representatives, and one copy to the Senate chamber, and the residue to be carefully preserved by the secretary in his office: Provided, that the said maps can be purchased at a price not exceeding eight dollars, including any work that may be published designated to accompany the same; And Provided further, that said Colton shall deliver or cause to be delivered in good style the said maps and the accompanying work to the different counties, states, territories, and districts as herein provided.

Resolved, That upon the presentation of the certificate of the clerks of each of the counties certifying that said maps have been so delivered, and are equal to the terms of the prospectus by J. H. Colton, and shall receive written evidences of their being deposited in the different states, territories, and district, the auditor shall audit, and the treasurer pay over to said Colton or his agent, the sum of nine hundred and sixty dollars out of any money in the treasury not otherwise appro-

priated.

### CHAPTER XVII.

A Joint Resolution relative to John G. Burch of Daviess County.

[APPROVED FEBRUARY 17, 1838.]

Whereas, it appears from a petition that John G. Burch of the county of Daviess, bought a pauper of said county for one year from the first Monday in May last past, for a much less price than he could keep it for, without a great sacrifice of time and money, by becoming very sick and confined to bed for several months; therefore,

Be it resolved by the General Assembly of the State of Indiana, That the board doing county busines in said county of Daviess, shall have

power to hear testimony on the part of the aforesaid Burch and on the part of the said county of Daviess, and shall have authority to allow the said Burch additional remuneration out of the county treasury of said county if they think it just and proper.

This joint resolution to be in force from and after its passage.

## CHAPTER XVIII.

A Memorial and Joint Resolution on the subject of the National Road.

[APPROVED JANUARY 29, 1838.]

This memorial of the general assembly of the state of Indiana, respectfully represents that the speedy completion of the Cumberland road in Indiana, is a matter of great interest to the people of the state, who look with full confidence to the general government for such appropriations as may be necessary to accomplish that desirable end. The present condition of this road is such as to forbid the idea that it would be permitted to escape the attention of the delegation of Indiana, in congress, but as the public are peculiarly anxious that the delays which have heretofore attended the prosecution of the work should be avoided, we are induced to call your special attention to the subject.

The work on this road in Indiana, has been in progress since the year 1830. And now, in the year 1838, it is in such situation, as to be in a great measure impassible, even by the mails of the United States. As this is the great national avenue on which the principle mails of four entire western states, are and must be conveyed, it must be obvious that its improvement is such an one as is expressly contemplated in the provisions of the constitution; and the people of Indiana do not expect a more unkind feeling in congress toward them than has been evidenced to the people of Maryland, Virginia and Ohio, in the

preparation of this road.

The great cause of delay in the progress of the work, arises principally from the following reasons, viz: The limited amount of the annual appropriations, the late period of each session at which those appropriations are made, and the want of a properly matured plan of

operations in applying the appropriations.

The suspension of the works partly constructed on the road, would, if long continued, be ruinous to them, as they will rapidly dilapidate and decay, and the application of a scanty appropriation on near one hundred and forty miles of unfinished way would be inadequate to placing them in a state of preservation, and that work which is done upon

them one season, be nearly obliterated before another appropriation

and working season arrives.

The people of Indiana have been, lately large contributors to the public treasury as purchasers of public lands, and as under their compact of admission into the union, they are entitled to a two per cent. fund, which is applicable to works of this character; and as such fund has hitherto stood pledged for these appropriations, they entertain no doubt of the just appreciation of these claims by your honorable body. Your memorialists would therefore respectfully ask your honorable body to make, at an early day, such appropriation as can be profitably used on this work, as suggested by the Engineer in charge of the work, say five hundred thousand dollars for the year 1838; and also to take such steps as will facilitate the application of such moneys to the purposes of the work; therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators and representatives in congress he requested to urge a speedy and liberal appropriation on the Cumberland road in Indiana, and that they cause to be laid before each branch of congress a copy of this memorial and joint resolution.

And be it further resolved, That the Governor of this state be requested to cause a copy of this memorial and resolution to be transmitted to each of our senators and representatives in congress.

## CHAPTER XIX.

A Joint Resolution of the General Assembly of the State of Indiana for the relief of Burwell R. Still.

## [APPROVED FEBRUARY 17, 1838.]

Be it resolved by the General Assembly of the State of Indiana, That the auditor of state be directed to audit, and the treasurer to pay to Burwell R. Still, collector of the revenue for Washington county, the sum of eighteen dollars and sixty-seven cents, money overpaid by him

#### CHAPTER XX.

A Joint Resolution for the benefit of the Collector of Fountain county for the year 1837.

## [APPROVED FEBRUARY 17, 1838.]

Be it resolved by the General Assembly of the State of Indiana, That the auditor of public accounts be authorized to issue a warrant, and the treasurer of state to pay to the collector of Fountain county, the sum of thirty dollars, for money overpaid by him in paying the revenue of said county for the year 1837, upon the auditor being satisfied of the correctness of said claim.

This joint resolution to be in force from and after its passage.

#### CHAPTER XXI.

A Jount Resolution on the subject of extending the grant of land for the Wabash and Erie Canal.

## [APPROVED FEBRUARY 17, 1838.

Be it resolved by the General Assembly of the State of Indiana, That our senators in congress, be and they are hereby instructed, and our representatives requested to visit the proper department of the general government on the subject of the right of this state to an extension of the grant of land for the Wabash and Erie canal, to aid in the construction of the same from the mouth of Tippecance river to Terre Haute, and that they explain said right and urge that it may be acknowledged without further delay.

Resolved, That the said senators and representatives refer to the diagram on file in the general land office, on which the lands are desigpated which it is desired may be withheld from sale for this purpose. and that they adopt prompt measures for the passage of an act of congress authorizing the state to make the selections from said lands, should the ultimate decision of the department be in favor of this state, and if such an act be deemed necessary.

Resolved, That his excellency the governor forward to each of our senators and representatives in congress a copy of these resolutions duly attested.

## CHAPTER XXII.

A Joint Resolution for the benefit of the Collector of Clarke county for 1837.

## [APPROVED FEBRUARY 12, 1838.]

Be it resolved by the General Assembly of the State of Indiana, That the auditor of public accounts be authorized to issue a warrant, and the treasurer of state to pay the collector of Clarke county the sum of twenty dollars, for money overpaid by him in paying the revenue for 1837, upon the auditor being satisfied of the correctness of said claim.

This resolution to take effect and be in force from and after its passage.

## CHAPTER XXIII.

A Joint Resolution relative to refuse lands on the Wabash river.

## [APPROVED FEBRUARY 7, 1838.]

Whereas, by an act of the legislature of Indiana, extending the Wabash and Erie canal down the Wabash river to Terre Haute, a direct communication will be opened between Lake Erie and a point within about one hundred miles of the Ohio river; and whereas the interest of the general government will be greatly subserved by continuing said communication down the Wabash river unto the said Ohio river by rail road, McAdamized road or canal; and whereas, a considerable body of refuse lands lying in that part of the country through which said communication must pass have been more than twenty years in market, and yet remain unoccupied and unsold; and whereas, a great part of said refuse lands being of rich soil, though partially overflowed at certain seasons, would by the construction of said communication, immediately acquire value, command purchasers and be speedily converted into productive farms; and whereas, by the grant of said refuse lands in aid of said communication, the general government might secure at a very small cost to itself a line of communication between the lakes and the lower Mississippi, thenearest and best perhaps that can be obtained; therefore, Be it resolved by the General Assembly of the State of Indiana, That our senators in congress be instructed and our representatives requested to use all honorable exertions to obtain the passage of a law transndiana, as much of said surplus lands as to conient, conditioned on the construction by the said said wabash river unto said Ohio river.

That the Governor of Indiana be requested to forward a copy of this joint resolution to each of our senators and representatives in congress.

#### CHAPTER XXIV.

A Memorial and Joint Resolution on the subject of a Canal from St. Marys, Ohio, to the Wabash and Erie Canal.

## [APPROVED FEBRUARY 17, 1838.]

Whereas the state of Indiana has undertaken among other public works, the construction of a canal from the south end of Lake Michigan to intersect the Wabash and Erie canal at Fort Wayne; and whereas it is understood that the state of Ohio is now engaged in extending the Miami canal northwardly, passing by the town of St. Marys; and whereas it appears from the map of the country that the construction of a canal of about sixty miles in length, along the valley of the St. Mary's river, from the town of St. Marys to Fort Wayne, would, in connection with the work now in progress, open a direct water communication between the Ohio river at the city of Cincinnati and Lake Michigan; and whereas said canal if constructed, would pass its whole length through a valley not surpassed for fertility of soil by any in the western country; and whereas said canal would be of great importance not only to the citizens of the country through which it would pass, but also to the states of Ohio and Indiana as a connecting link between their respective systems of public works; and whereas the route of the proposed connection lies partly in the state of Ohio and partly in this state, requiring the co-operation of both states if it be constructed; therefore,

Resolved by the General Assembly of the State of Indiana, That the subject of this connection by a canal along the St. Marys river, be respectfully proposed to the legislature of the state of Ohio, as a measure well calculated to enrich her own citizens and those of her sister state and accommodate the community at large.

Resolved, That the Governor of this state be requested to transmit a copy of the foregoing resolution to the Governor of Ohio.

## AUDITOR'S REPORT.

Auditor's Office, December 5, 1837.

In obedience to the act entitled "an act concerning the Auditor of Public Accounts and Treasurer of State," the Auditor submits the following Report of the Receipts and Expenditures on account of the State of Indiana from 1st December, 1836, to the 31st November 1837, both inclusive.

RECEIPTS:  There has been received at the Treasury since the		
30th of November, 1836, as follows, to-wit: From the Collectors of Revenue for 1836,  " 1837, 4,355 35		23
For sales of Michigan Road Lands, - 4,346 17  "Rent of State Prison, 700 00  "Sales of Lots in Indianapolis, 800 00  From Estates without known heirs, 63 50		21 21 21 21
" Incidental payments, 511 50  " Sales of Seminary lands, 1,960 92  " Loans refunded of Seminary fund, 8,815 62  " Interest on Loans of Seminary fund, 3,802 37	6,421	24
" Sales of Saline lands, 3,363 29 " Loans refunded of Saline fund, 1,720 00 " Interest on Saline fund loans, 1,599 30	5	
Making the total amount of receipts for the current year,  To this add the amount in which the Treasury is deficit, as appears by subtracting the Receipts from the Expenditures of this year,	92,119 5,536	
cerpts from the Expenditures of this year,	\$97,656	11

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EXPENDITURES: On the 30th of November, 1836, there was a deficit in the Treasury (provided all claims audited to that date were paid) of -\$4,280 61 Since the above period there has been audited as follows, to-wit: For public printing, stationary, distributing laws, &c. \$ 9.024 56 For expenditures of last General Assembly - 24,379 24 - 33,403 80 " Salaries of Executive Officers -2,999 00 Prosecuting Attorneys - -1,344 62 Supreme and Circuit Judges 66 - 9,933 39 66 Probate Judges - - - 3,181 50 Adjutant and Quarter Master Generals 66 66 208 33 66 State Geologist - -666 78 - 18,333 62 Expenses of State House 6,641 51 State Library -301 29 66 State Prison 46 912 12 66 Michigan Road 4.819 19 44 Presidential Election -312 02 - 12,986 13 On Account of Specific Appropriations -5,321 45 Wolf Scalps 412 50 66 School money refunded to counties 575 09 Estates claimed by heirs -28 28 Contingent expenses -- 1.017 52 7,354 84 44 Loans of Saline Fund 6,140 00 66 Expenses of State College - 4,650 19 66 Loans of Seminary Funds - 10,243 50 66 Expenses of Saline Funds -263 42 21,297 11 Making total amount of expeditures for the current year, provided all claims audited have \$97,656 11

been paid.

Returns showing the amount of assessments in the respective counties have been received from all except one. From these it will be seen by reference to the annexed tabular statement marked No. 2, that the gross amount of the revenue assessed for this year, is \$149,445 13.

The amount that will probably be realized to the Treasury after all deductions for delinquencies, commission, &c. will not vary far from \$130,000. Of this amount, under the law of last year, setting apart 5 cents on the \$100 valuation of property, there will probably be set apart about \$40,000, to be applied to the liquidation of the interest accruing on our Internal Improvement loans. Leaving to the ordinary expenses of the Government about \$90,000.

From the 82,921 polls assessed this year, there will probably be realized about \$36,500. By reference to my report of the 17th of January last, it will be seen that the total amount of taxable property for 1836, is stated at \$78,589,061. The returns for this year, show the amount to be \$98,441,063, giving an increase in the amount of the current year, of \$19,852,002, or about 20 per cent. upon last year's valuation.

This sum being larger than was anticipated by the last General Assembly, might seem to indicate the efficiency of the present mode of assessments. But by comparing the tabular statement of this, with that of last year, it will be seen that the assessments of this year fall far short of the actual increase.

Last year the number of acres of taxable lands returned for the state was 5,485,363. This year there are 6,185,714 acres returned.

Last year there were near 300,000 acres of land, exclusive of Canal and Seminary lands, and such of the Sixteenth sections as were sold on a credit and not paid out, which escaped taxation. This year the number is increased to near 600,000 acres, which at \$5 per acre, (an amount less than the average price per acre) amount to \$3,000,000. The tax upon which, for state purposes alone, would be \$4,500. In addition to this, a large amount is annually lost both to the state and the respective counties, by assessors' neglecting to make a full assessment of the number of polls of the state. It is believed that our mode of assessing may be greatly improved. A system can be devised by which all the real estate may be annually assessed with but little, if any, additional cost.

Respectfully submitted,

MORRIS MORRIS, A. P. A.

### TREASURER'S REPORT.

TREASURY DEPARTMENT, Indisnapolis, 7th Dec. 1837.

\$98,206 97

The Treasurer of State, in obedience to the directions of the "Act concerning the Auditor of Public Accounts and Treasurer of State," submits the following report of the revenue and expenditures of the state, and the operations of the loan office, &c., from the 1st of December, 1836, to the 30th of November, 1837, both inclusive. Receipts during the fiscal year from revenue of 1836 4,355 35 of 1837 Rents paid by superintendant of State Prison 700 00 Lots, &c. at Indianapolis 800 00 4.346 17 From sales of Michigan road land 63 50 Estates without heirs 511 50 Incidental payments 6,421 17 The receipts and credits in the college branch of the loan office department have been-Balance of this fund on hand at last report 963 36 Received from William Alexander, commissioner of Reserve township in Monroe county 1.577 92 383 00 James Smith commissioner of Gibson county 8,815 62 Loans refunded 3,802 37 Interest on loans The amount paid into the treasury of Saline fund, appertaining to the loan office, has been from Andrew Wilson, commissioner of Saline lands in 1,754 17 Orange county Henry Young, commissioner of Washington co. 1,173 13 435 95 Milton M'Phetridge, " Monroe co. 1,720 00 Loans refunded 1,599 30 Interest on loans Amount overpaid the present year by the treasurer 5,123 75 of state

The Expenditures and Liabilities of the Treasury during the same period

have been—		
Over paymeents made by the treasurer of state du-		
ring the financial year of 1836, on account of		
the treasury proper	\$5,151	30
Pay and mileage of members of the legislature, in-		
cluding clerks, doorkeepers, &c.	24,379	
Printing and stationary	9,024	56

Special expenses   5,321 45	Specific appropriations				
Premium on wolf scalps Pay of probate judges  "Executive officers "Judges of Supreme and Circnit Courts "Judges of Supreme and Circnit Courts "Adjutant and Quarter-master Generals Payments on account of State House "State Library "State Prison Presidential election Presidential election States without heirs refunded Michigan road scrip redeemed Michigan road School moneys refunded School moneys refunded Geological survey The disbursements on account of the college branch of loan office have been— Payments on account of Indiana College, including incidental expenses of loan office Loans of College fund Payments and liabilities on account of Saline fund subject to the loan office laws, are— Over payments in 1836 Over payments in 1836 To payments in 1836 Saline fund expenses  Over payments on Saline fund Saline fund expenses  Over payments in 1836 Saline fund expenses  Over payments in 1836 Saline fund expenses  Over payments in 1836 Saline fund subject to the loan office laws, are— Over payments in 1836 Over payments in 1836 Saline fund expenses  Saline fund expen					
Pay of probate judges  "Executive officers  "Judges of Supreme and Circuit Courts  "Circuit Prosecutors  "Adjutant and Quarter-master Generals  Payments on account of State House  "State Library  "State Prison  Presidential election  Estates without heirs refunded  Michigan road scrip redeemed  Michigan road  School moneys refunded  Geological survey  The disbursements on account of the college branch of loan office have been—  Payments on account of Indiana College, including incidental expenses of loan office  Loans of College fund  Payments and liabilities on account of Saline fund subject to the loan office laws, are—  Over payments in 1836  Loans of saline fund  Saline fund expenses  Over payments in 1836  Loans of Saline fund  Saline fund expenses  Payments on account of Saline fund subject to the loan office laws, are—  Over payments in 1836  Loans of Saline fund  Saline fund expenses  Payments on account of Saline fund subject to the loan office laws, are—  Over payments in 1836  Loans of Saline fund  Saline fund expenses  Revenue of State submits the following estimate of the receipts and expenditures for the year 1838:  Revenue of former years  Revenue of 1837  Rents from superintendant of State Prison  Rents from superintendant of State Prison  1,000 00					
# Executive officers  # Judges of Supreme and Circnit Courts  # Judges of Supreme and Circnit Courts  # Circuit Prosecutors  # Adjutant and Quarter-master Generals  Payments on account of State House  # State Library  # State Library  # State Prison  Presidential election  Estates without heirs refunded  # Michigan road scrip redeemed  # Michigan road  # Michigan road  # Michigan road  # Michigan road  # School moneys refunded  # Geological survey  The disbursements on account of the college branch of loan office have been—  Payments on account of Indiana College, including incidental expenses of loan office  # Loans of College fund  Payments and liabilities on account of Saline fund subject to the loan office laws, are—  Over payments in 1836  Loans of saline fund  # Saline fund expenses  # Over payments in 1836  Loans of Saline fund  # Saline fund expenses  # Sys,206 97   Warrants outstanding—No. 2068 State Prison  No. 2544 Judiciary  # Sys,206 97   Warrants outstanding—No. 2068 State Prison  Revenue of former years  # Revenue of former years  # Revenue of former years  Revenue of 1837  # Rents from superintendant of State Prison  Rents from superintendant of State Prison  # Sys,206 97  # Judiciary  # Sys,206 97					
" Judges of Supreme and Circnit Courts " Circuit Prosecutors " Adjutant and Quarter-master Generals " Adjutant and Quarter-master Generals Payments on account of State House " State Library 30,544 51 " State Prison 4874 62 " Presidential election 312 02 28 28 Michigan road scrip redeemed 38,831 00 Michigan road 5666 78 Michigan road 576 666 78  The disbursements on account of the college branch of loan office have been— Payments on account of Indiana College, including incidental expenses of loan office 4,650 19 Loans of College fund 10,243 50  Payments and liabilities on account of Saline fund subject to the loan office laws, are— Over payments in 1836 77 67 Loans of saline fund 6,140 00 Saline fund expenses 77 67 Loans of saline fund 6,140 00 Saline fund expenses 78 21,374 78  \$98,206 97  Warrants outstanding—No. 2068 State Prison No. 2544 Judiciary 375 00  The Treasurer of State submits the following estimate of the receipts and expenditures for the year 1838:  Revenue of former years \$1,000 00 Rents from superintendant of State Prison 1,000 00					
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## State Library ## State Prison ## State Pris	Payments on account of State House				
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Saline fund expenses					
21,374 78   \$98,206 97	Saline fund expenses				
Warrants outstanding—No. 2068 State Prison No. 2544 Judiciary  The Treasurer of State submits the following estimate of the receipts and expenditures for the year 1838:  Revenue of former years Revenue of 1837 Rents from superintendant of State Prison  \$\frac{\\$\\$98,206\ 97}{375\ 00}\$  \$\frac{\\$337\ 50}{375\ 00}\$  \$\frac{\\$\\$1,000\ 00}{146,000\ 00}\$  \$\frac{146,000\ 00}{1,000\ 00}\$	AND THE REAL PROPERTY OF THE P	200	42	01 984	MO
Warrants outstanding—No. 2068 State Prison No. 2544 Judiciary  The Treasurer of State submits the following estimate of the receipts and expenditures for the year 1838:  Revenue of former years Revenue of 1837 Rents from superintendant of State Prison  \$337 50 375 00  \$1,000 00 146,000 00 1,000 00		THE REAL		21,374	78
No. 2544 Judiciary 375 00  The Treasurer of State submits the following estimate of the receipts and expenditures for the year 1838:  Revenue of former years \$1,000 00  Revenue of 1837 146,000 00  Rents from superintendant of State Prison 1,000 00		Y Miles		\$98,206	97
No. 2544 Judiciary 375 00  The Treasurer of State submits the following estimate of the receipts and expenditures for the year 1838:  Revenue of former years \$1,000 00 146,000 00 Rents from superintendant of State Prison 1,000 00	Warrants outstanding-No. 2068 State Prison	\$337	50	Suis to	
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Revenue of former years Revenue of 1837  Rents from superintendant of State Prison  \$1,000 00  146,000 00  1,000 00	expenditures for the year 183	18:	No. of	P	
Revenue of 1837 Rents from superintendant of State Prison 146,000 00 1,000 00	Revenue of former years			\$1,000	00
Rents from superintendant of State Prison 1,000 00	Revenue of 1837			MINISTER STATE OF THE PARTY OF	
Making the total available means for 1838, \$148,000 00	Rents from superintendant of State Prison			THE RESERVE OF THE PARTY OF THE	
\$2.20,000 00;	Making the total available means for 1838.		*	148,000	00
	The expenses will be as estimated	below:			

The expenses will be as estimated below:
For salaries of Judges and Prosecutors
Executive officers
Printing, Stationary, and distributing laws
Legislature
Contingent and specific appropriations
Probate Judges
Wolf scalps

The expenses will be as estimated below:
\$14,900 00
\$3,200 00
\$9,000 00
\$5,300 00
\$4,000 00
\$700 00

State Prison	1,000	00		
State Library	350	00		-
Adjutant and Quarter-master Generals	150	00		
State House	1,200	00		
Geological survey	1,500			
deological survey	Personal in	1011	76,500	00
To which may be added the following liabilities	of		23	
the Treasury, viz:	inuosei e			
Over payments by the Treasurer	\$5,123	75		
Unaudited claims	12,000	00		
College fund in treasury	648	58		
Saline "	201	46	r telitial.	
Estates without heirs	1,878	38	enginai le	
Conscientious fines to be distribudt	543	00	ouisold.	
Conscientions lines to be distribute	healer use	1101	20,395	17
		4 14	rigo local	
			\$96,895	17
	gas synsim			==

Leaving an estimated balance over the expenditures of 1838, of \$51,-

The main portion of this balace will be paid over to the fund commissioners, under the act of last session, to be applied to the payment of interest on the state loans.

The revenue due and payable at the treasury since my last annual report, has been paid into this department by the various collecting officers, with the same promptitude which has been so creditable to them for the several part years.

The nett amout of revenue of 1836, agreeably to the assessment returns made to the auditor of public accounts by the different clerks, was

\$57,366 91.

It will be seen by this report that the amount of revenue of that year, actually paid into the treasury, is \$60,541 88; exceeding the assessment returns, \$3,173 97, besides the amount of \$1,360 96 yet due from collectors, making in all, the amount of \$4,534 93 of revenue over the amount of assessments.

This fact, not only proves the faithful and assiduous discharge of duty by collecting officers, but also, makes manifest the imperfect character of our revenue laws in reference to assessments, or great carelessness and neglect in the officers having charge of that duty.

The amount of revenue lost to the treasury annually, by these partial and imperfect assessments, exceeds, no doubt, one-tenth of the whole

amount of the actual assessments.

This loss to the treasury, together with the fact that great injustice is consequent upon such partial exactions from our citizens, would seem to call aloud for such amendments to our revenue laws, as will, in the future, obviate the difficulty complained of. It is respectfully submitted to the General Assembly, whether it would not be advisable to authorize triannual assessments, subjecting the several counties at each year to such thorough and searching survey, by a principal and two assistant assessors, as would insure a full and perfect assessment of all the property, together with an equitable and uniform valuation of the same.

The additional expense may, perhaps, be regarded as an objection; but when it is considered that the expense of assessments for the two years intervening the triannual assessments, would be much less than at present, (the changes and transfers of property being only necessary to be noted), would make the aggregate expense not much, if any, greater than at present.

The amount of revenue of 1837, exclusive of that portion which is directed by law to be paid to the fund commissioners, will probably be adequate to all the demands upon the treasury the coming year, including the deficit of the past year, and leave a balance in the treasury to be carried to the credit of 1839, of about \$10,400.

The rapidly increasing population and wealth of the state has swelled the amount of assessments considerably above what had been anticipated, and which will bring into the treasury a corresponding increase of revenue.

It will be seen that the payments from the treasury the present year exceed the current available means by the sum of \$5,123 75. This, with the amount of unaudited claims, supposed to amount to about \$12,000 00, will make an aggregate deficit at the commencement of the financial year 1838, of \$17,123 75.

There has been received from the United States on deposit, the sum of \$860,254 44. Of this amount I have disbursed to the loaning agents of the several counties, the sum of \$567,126 16; being the entire amount of the two first instalments, except the sum of \$6,376 80, not called for by the counties, and which has been loaned agreeably to law. The third instalment, being \$286,751 48, has been paid over to the commissioners of the sinking fund, as was directed in the event of the non-establishment of additional branches of the State Bank. A statement and abstract of the condition of this fund, and the operations of the several loaning agents, will be made the subject of a separate communication.

The operations of all the departments of the loan office continue to manifest the admirable character of the laws which govern their action.

The prompt payment of interest on loans, and the refunding such loans as become due has been such the past year, that no necessity has existed for advertising for delinquency in any case.

A large majority of the loans are now at nine per cent. interest, at which rate, although regarded high, applications are made for loans far beyond the current accumulating amounts to be loaned.

The expenditures on account of the State House will amount the present year to about \$2,500.

The main items of expense have been, continuation and completing the grade; shelving, carpetting, and furnishing the Library rooms; carpeting the committee rooms; painting the fence; repairing the roof, &c.

Among the payments under this head have also been for a considerable amount of the expenses attendant upon the last session of the General Assembly left unprovided for in the specific appropriation bill, on account of a belief of the necessity of greater scrutiny in reference to the claims presented.

The roof of the State House was greatly injured by a violent tornado which occurred in May last, which took off a portion of the zinc covering and otherwise injured the building, all of which has been repaired;

but it is doubtful whether the building can be preserved without an entire new roof; the present one having been from the first very deficient and imperfect.

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All of which is respectfully submitted.

N. B. PALMER, Treasurer of State.

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